

**Report of  
The Department of the Army Review  
of the Preliminary Investigations into  
The My Lai Incident (U)**

Volume II  
TESTIMONY

BOOK 14

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REPORT OF THE DEPARTMENT OF THE ARMY REVIEW  
OF THE  
PRELIMINARY INVESTIGATIONS INTO THE MY LAI INCIDENT (U)

VOLUME II

TESTIMONY

BOOK 14

REID  
RIDENHOUR  
ROBERTS, J.  
ROSADO-DELGADO  
SCHLEICHER

SHANNON  
SMITH, F.  
STANSEL  
STONICH

STROP  
VEATCH  
WADSWORTH  
WALKER, B.

14 MARCH 1970

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SUMMARY OF TESTIMONY

WITNESS: REID, Joseph M.

DATE OF TESTIMONY: 21 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: 11th Brigade Liaison Officer to Task Force Barker.

1. BACKGROUND INFORMATION.

The witness was the liaison officer from the brigade to Task Force Barker from the end of January until the task force disbanded (pg. 3). Prior to that time he was the commander of the 90th Chemical Detachment of the 11th Brigade, to which he returned after his tour as liaison officer and remained with until his tour in Vietnam was finished (pg.3). His duties were to pick up information from the S2, S3, and S4 for the task force and to pick up messages and mail from the task force to be brought to brigade (pg. 5). He would communicate via a courier helicopter that left from brigade at about 0830 hours and dropped him off at 0900 to 0930 hours. He would return to brigade at about 1600 hours each day (pg. 5).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness attended brigade briefings (pg. 5). Normally, he would give the information he received to the S3 who would post it on the board and brief the 11th Brigade commander (pg. 6). The witness felt he was present at LZ Dottie on the afternoon of 15 March, but did not recall being present when orders were issued by Colonel BARKER to the company commanders (pg. 6). He felt that he was probably briefed on the operation, but did not recall the specific incident (pg. 7). He stated that if the brigade commander came, many times BARKER would have only his staff or his immediate commanders present in the

room and everyone else would stay outside (pg. 8). The witness did not feel that he was physically present during a briefing by Colonel HENDERSON (pg. 8). He did recall going to Mass as part of a memorial service but did not recall the name of the priest (pgs. 7, 8). There was nothing either at the memorial service or later in the afternoon in the attitude of the men which struck him as being abnormal (pg. 8).

3. WITNESS' RECOLLECTION OF ACTIVITIES ON 16 MARCH 1968.

The witness did not specifically recall the particular day but did remember a number of people loading on helicopters at the LZ (pg. 9). He was not sure that these helicopters were loading on 16 March (pg. 9). He stated he was in the TOC and remembered a lot of confusion in the conversation over the radios, but did not feel that it was any more than normal (pg. 9). He could not recall the exact numbers that came over the radio regarding enemy KIA (pgs. 10, 11). He remembered Colonel HENDERSON arriving with some PW's (pg. 11). He did recall General KOSTER arriving and felt HENDERSON must have spoken with KOSTER as the ranking officer would always go to meet the General's helicopter (pg. 11). The witness did not know Major WATKE (pgs. 11, 12). He knew Captain LEWELLEN but did not recall LEWELLEN taping radio transmissions (pgs. 13, 14). He did not know Warrant Officer THOMPSON so could not state if THOMPSON had entered the TOC (pg. 14). The witness stated he generally would not take notes unless it was a large operation, but would use an overlay of his area to make his report to the S3 (pgs. 15, 16). The witness did not recall the total KIA's that day, but remembered that three weapons were captured (pg. 16). He stated he felt that between 16 March and 17 March the total KIA figure was lower (pg. 17). After looking at log entries for 16 March and 17 March the witness felt that there was a higher total than 128 released at one time (pgs. 18, 19). He did not recollect any questions being raised about the figures, nor did he know why or if, in fact, they were reduced (pg. 20). He stated he thought he recalled a message being given to keep the troops under control, but did not know who gave the message or who received it (pg. 12). He felt that it was actually a request to move the troops in a certain direction (pgs. 24, 25). The witness recalled bringing various documents to the S3 shop to have them typed but did not know if Exhibits R-1 and R-2 were among the documents he carried (pgs. 27-30). The witness stated that some time during this period he picked up an Army manila envelope at Son Tinh but he did not know what it contained (pgs. 30, 31). He stated he knew that Colonel

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HENDERSON was in the air that day as well as Colonel BARKER, but he did not know if Colonel HENDERSON landed to speak with Captain MEDINA (pg. 25).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness did not recall any conversations after the time of the operation about the incident or discussions as to what had gone on in the area (pgs. 33, 34).

5. OTHER INFORMATION.

a. After the incident was released in the press the witness spoke with former Lieutenant DUNN who called him from The Chicago Tribune and asked if he recalled any facts about the operation (pg. 4). He felt they were trying to establish whether there were people in the air directing the operation (pg. 21). The witness stated he was friendly with Lieutenant DUNN and stayed with him at LZ Bronco, but DUNN did not mention anything to him about photographers seeing heavy action (pg. 26), nor did Lieutenant DUNN or any of the people in the PIO shop mention anything about the operation (pg. 34).

b. The witness recalled BEARDSLEY as being the driver for Colonel BARKER and identified him in Exhibit P-68 (pgs. 22, 24).

c. The witness knew JOHNSON but did not discuss the operation with him (pg. 26).

d. The witness stated he would send aerial slides of LZ Dottie (pg. 36).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-16	TF Barker log 14-18 March	Wit was given this to review.	17
M-17	11th Bde TRIDENT, 22 Mar	Wit did not re-collect DUNN talking with him about the story.	34
M-30	Stmt of RODRIGUEZ	Wit did not recall.	33
P-68	Miscellaneous Scene	Wit identified BARKER's driver on the left, in the foreground, as "BEARDSLEY."	22,23
R-1	HENDERSON's report with inclosures.	Wit did not recall.	33
R-2	Combat Action Report, 28 March	Wit could have taken it to be typed.	27-29
R-12	Combat Action Report, 24 March	Wit could not state positively that he carried this to be typed.	29
R-13	Combat Action Report, 22 March	Wit could not state positively that he carried this to be typed.	29
MAP-9	Wall map	Used to orient the witness.	6

(The hearing reconvened at 1257 hours, 21 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

Sir, the next witness is Mr. Joseph M. REID.

(MR REID was called as a witness, was sworn, and testified as follows:)

Mr. REID, for the record, please state your full name, occupation, and residence.

A. I'm Joseph Matthew REID. I'm training to be a stockbroker with Dean Whitaker and Company, and I live at Mountain View, California. Do you need the address?

RCDR: No, we have that already.

IO: Mr. REID, have you had an opportunity to read the instructions which were provided for you?

A. Yes, I did, General.

Q. Do you understand them or have any questions concerning them?

A. Yes, I understand them. No questions.

Q. All right. Thank you. On my left is Mr. Robert MACCRATE who is a civilian attorney. He has volunteered his services to the Secretary of the Army to assist us in this inquiry and also to provide legal counsel. On my right is Colonel ARMSTRONG, an Army colonel, who has been designated by the Office of the Chief of Staff as an assistant in this inquiry. This afternoon either of these gentlemen may address questions to you.

A. Yes, sir.

(REID)

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Q. You should know that besides this group, there are other groups of individuals who are taking additional testimony. Also, that when we get this done, I will be responsible for assembling the report, weighing the evidence, and making findings and recommendations. To the military witnesses who appeared before this inquiry we are directing that they not discuss their testimony with others. You, of course, being a civilian, cannot be directed, but I can request that you not discuss your testimony with others, including other witnesses who may appear before this inquiry, except as you may be requested or required to do so before a competent administrative, judicial, or legislative body. In the instance of the legislative body, there is a possibility that you may be requested to appear before one of the congressional committees, specifically, the investigative subcommittee of the House Armed Services Committee. I do not believe that you have been cited or cautioned by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. That's correct, yes.

Q. Even though you've not been cited and probably will not be cited, in the event you should be cited, your testimony here would in no way effect or in any way change the applicability of the judge's order or the order by any military judge for any of the general courts-martial which may develop out of the My Lai incident. This same thing is true of your appearance before any of these bodies that I mentioned. Your testimony here does not preclude you from testifying before them.

A. Okay.

Q. Do you have any questions at this time?

A. No.

Q. Mr. REID, what was your duty assignment on 16 March 1968?

A. I was the liaison officer for Task Force Barker. This consisted of--do you want that?

- Q. We do want to go into that. As a liaison officer who did you report to, to brigade or to division?
- A. To brigade.
- Q. To brigade? How long had you been in that capacity?
- A. I think it started the last part of January.
- Q. What had been your job before that?
- A. I was the commander of the 90th Chemical Detachment at the 11th Brigade.
- Q. Yes. Were you a Chemical officer?
- A. Yes, sir.
- Q. Had you come over to South Vietnam with the brigade from Hawaii?
- A. Yes, right.
- Q. I take it you stayed as the liaison officer until the task force was disbanded or disestablished?
- A. That is correct.
- Q. What did you do after that?
- A. I went back to commanding my detachment.
- Q. Did you remain in that capacity then until your tour was up?
- A. Yes, that's correct.
- Q. From the time the My Lai incident of 16 March 1968 became a matter of public knowledge, which is to say in the newspapers and on radio and television, in the latter part of September or the early part of October of 1969, have you had

any conversation with any people from the task force, from the brigade, or from the division?

A. Not concerning this incident, no. But I have had conversations with other people. Let me ask you this, sir. Did you say after this?

Q. Yes, after the incident?

A. Yes, I did.

Q. Yes.

A. Particularly, I talked to Arthur DUNN.

Q. Yes?

A. He was the press officer.

Q. Lieutenant DUNN?

A. He called me from Chicago. He is working with The Chicago Tribune right now, and I did talk to him a little bit about it.

Q. What did you tell him?

A. Nothing particularly. He had a couple of other people there, I don't know their names. They were asking me, trying to pick my mind as to what went on. However, during that incident, I was in the operations center at Task Force Barker and didn't take an active part in the operation. I really didn't know what was going on. It's been so long I really wasn't tuned to the radio so to speak. But what they were trying to learn, these people?

Q. (Interposing) Well, we will get into that in a little while if we may.

A. Okay.

Q. Would you describe your liaison duties for us now?

A. Okay.

Q. How you did it, and what were you expected to do?

A. My duties were just to pick up information from the S2 and S3 and S4 and pick up the mail for these people and to bring it up, and take things back for them, mainly, and to take up messages if they had any messages.

Q. In other words, you took things from the task force to the brigade headquarters.

A. And vice versa.

Q. You passed on mail, messages, and so on?

A. Right, sir.

Q. You also carried on the verbal liaison with them, is that correct?

A. What verbal liaison there was, but there wasn't that much there.

Q. Did you sit in on their briefings?

A. The brigade's briefings? Yes, sir.

Q. How did you commute back and forth?

A. They had a courier helicopter that flew up and picked me up and then picked up some other people all the way up to Chu Lai and back.

Q. Did this take place each day?

A. Yes.

Q. What time in the morning or in the afternoon?

A. In the morning, I left from brigade at about 0830. I arrived there about 0900 or 0930 and delivered their mail and what other things I had to deliver. I usually sat around during the day until late in the afternoon. I left around 1530 or 1600.

Q. Yes.

A. Depending on what time the helicopter came in.

Q. Then you returned to Bronco and--

A. (Interposing) I'd sit in their meeting. I'd bring the information down; what we had done the night before and what we'd planned to do that night.

Q. Yes.

A. The S3 would put it on the board and brief the 11th Brigade commander. That was the extent of my duties.

Q. Were you present at LZ Dottie on the afternoon of the 15th?

A. Yes, I'm sure I was.

Q. Were you present when the orders were issued by Colonel BARKER to the company commanders?

A. I don't remember being there, no.

Q. Were you briefed on the concept of the operation?

A. This again, General, I cannot remember. I do not think I was. No, I don't think I was.

Q. Why weren't you? You normally were briefed on what you were going to do; what the brigade was going to do.

A. Right.

Q. What the task force was going to do the next day. Can you explain why on this occasion you weren't?

A. No, I can't. I could have been though, however, and I probably--it's been so long I just cannot!

(IC oriented the witness on the concept of the operation on Exhibit MAP-1.)

(REID)

A. Yes, sir, I was probably briefed on that.

Q. Do you recall it now that you see it?

A. Yes. Well I don't recall this specific incident so to speak. However, I do recall I did bring that down.

Q. Do you recall a memorial service being held by C/1/20?

A. Yes.

Q. Do you remember who it was for?

A. Not specifically. I went to Mass, because I hadn't been to Mass for a while. That's the reason I was there.

Q. Yes. Who conducted the Mass, do you recall?

A. A priest that I had not seen before. It wasn't the 11th Brigade's chaplain. It was a younger priest. I don't know his name.

Q. Sort of a big, large fellow?

A. He was tall but he wasn't too fat or anything like that.

Q. I'm not familiar with the Catholic religion. Do priests normally indicate what their names are in their service?

A. No, not usually.

Q. Could he have been the priest from the 198th Brigade to the north?

A. Could have been, I don't know. He wasn't, I'm sure, from the 11th.

Q. Does SHANNON ring a bell at all?

A. No. No, it doesn't, General.

(REID)

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Q. Do you recall having the Mass while the Protestants had their service? We would understand that either before or afterwards there was a combined memorial service for this individual that had been killed a couple of days before by the name of COX. Do you recall that?

A. Yes, I do.

Q. Yes. What was the attitude of the men at that time? Did they appear just normal or were they pretty pitched up or what?

A. Normal to me. They just sat around and listened to the service.

Q. Were you also there when the brigade commander arrived and talked to the commanders?

A. I was there but I was probably not physically in the room. I don't remember it. Many times Colonel BARKER, whenever someone like the brigade commander came down, would only have in his staff or his immediate commanders and whoever else he wanted to talk to. Most everyone else would either stay outside or in the immediate area.

Q. Well, I was to understand that Colonel HENDERSON, who had only taken over the day before, talked to quite a large group of people. When I say the commanders, I'm just not talking about him sitting down talking to BARKER. He talked to quite a large assembly of people about failures in aggressiveness and things of this category.

A. If he did, General, I wasn't physically in the room to be in on it.

Q. Do you recall any other thing about the appearance or the attitude of the men there before you left to go back to LZ Bronco that afternoon?

A. Nothing, nothing in particular, no.

Q. Now then, you indicated that normally you'd get up there in the morning at around 0915 to 0930.

A. Yes, between 0900 and 0930.

Q. About a 30-minute flight up from LZ Bronco?

A. Yes, sir.

Q. Now, we'll come down to the morning of 16 March. I'd like you to tell me every single thing that you can remember that took place on the morning of the 16th. When you get through, I'll then have some questions for you.

A. Okay. I really don't remember that much, General. I arrived there as I did on many other days. I just can't picture in my mind the exact day that it was. However, I do remember that there were a lot of people loading up at the LZ and they had a lot of helicopter assaults.

Q. Then you arrived there fairly early, if that's the case?

A. Again, I want to--

Q. (Interposing) You must have arrived there early. My guess would be in the neighborhood of about 0740 in the morning?

A. Well again, General, I want to preface this by saying I think that, well I'm sure that, I saw some helicopters picking people up. However, whether this was that morning or not, I cannot for sure tell you or answer you. During the day, however, I do remember I was inside the TOC much of the time, and do remember that they were talking to the people that were on the net. There was a lot of confusion and talking back and forth. Particular conversation, I cannot remember.

Q. Well, you see we know what your problem is. Don't think we don't recognize the fact that we're trying to take you back 22 months and that we expect you to recite every conversation verbatim. Right now I'm trying to get impressions and so on. Then I'll do a little filling in for you to see if you can't remember certain things which would be helpful for us.

A. Well, the impression that I got from the TOC, from the operation center, was the fact that there was some confusion. But I don't think there was any more confusion than any other operation as far as I was concerned. Again,

the only thing I can tell is I think I took some weapons down during that day, but I'm not sure. I usually took the weapons down to the MP's. I wish I could tell you some more, I really do. If you don't mind, getting back to this thing with the Chicago Tribune, what they were trying to establish was whether or not anybody was up in the air besides just the normal people. I was under the impression, and I'm pretty sure, almost positive, that Colonel BARKER at that time and some of the other members of his staff were up in the air. As a matter of fact, had landed during the operation to pick somebody up, some wounded it seems. Other than that, General, I can't tell you too much.

Q. Was this the first combat assault you'd ever monitored?

A. No.

Q. Do you remember a report coming in very early in the morning to the effect that--now I know what you hear. You hear about people getting over to pick up weapons from here and get people up there to pick up a couple of weapons up to the north and--do you remember hearing about a group of 14 of them being killed so far?

A. Here, again, that rings a bell. However, I don't know if that was that morning or not.

Q. Well, this outfit is in the biggest operation that it had ever been in, and it would seem to me that this ought to make quite an imprint on your mind, even though it was 2 years ago. You're this outfit's liaison officer. You're supposed to go back and tell brigade what the hell's going on. From what you tell me now, you will probably forget before you get back there.

A. That might be true, General. However, again, I'm sorry I cannot--

Q. (Interposing) Well, did you hear another figure about 69 being killed?

A. I remember this. I do remember this, because at many times during the day we had reports coming in like that. I talked to Major CALHOUN and we were getting a report to

bring back to brigade. The exact numbers I don't know, however they were pretty high.

Q. Do you recall Colonel BARKER coming back to refuel his chopper and coming on up to the TOC?

A. Here again I'm going to have to--I've seen him do that many times during an--

Q. (Interposing) What about Colonel HENDERSON coming in with a couple of what he suspected were POW's which later turned out to be a couple of PFs that had been captured by the Viet Cong? Do you remember that?

A. I remember something to that effect. I remember that they always used to hold the prisoners at the LZ until the small MP detachment could talk to them. I remember something about that.

Q. Do you remember about what time in the morning that was?

A. No, sir. I don't.

Q. Do you recall General KOSTER being in there that morning?

A. Again, yes, I do, however--go ahead.

Q. Did you see him talk to Colonel HENDERSON or Colonel BARKER?

A. I wish I could say for sure, yes or no, General, but whenever someone of his stature came into an area like this, the ranking man would always go to his chopper and receive him. I'm sure that if they were in the area they would have talked to him.

Q. Did you by chance get down to the aviation van, down at the LZ there at Dottie? You know where the aviation van was located?

A. No, I don't.

Q. The hootch where the aviation battalion ran its business out of?

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A. That was down the road between the aero-scout group--

Q. (Interposing) Yes. Do you know Major WATKE?

A. No, I don't.

Q. The company commander of the aero-scout company?

A. No, I don't. I might know him on sight however.

Q. Did you hear anything passed over the radio to the effect of, "Stop the burning and keep control of your troops down there," or words to that effect?

A. No, I don't remember. I remember something that-- something about the control of troops. In other words, move them here or there. However, I don't remember anything about killing anybody.

Q. Did you hear anything about keeping the troops under control?

A. I seem to remember something like that, yes.

Q. Do you remember who gave the message?

A. No.

Q. Was there anybody who rogered? Do you remember?

A. I couldn't say for sure, General. I'd hate to guess.

Q. Did you hear any reports coming in concerning mortars, a couple of 60 millimeter mortars? Picking up some mortars on top of Hill 85, some mortar rounds?

A. Yes, I remember something like that.

Q. What do you remember?

A. From what I can remember they were moving around. There was about three times they tried to get into the area and they couldn't get in. I don't know whether it was mortar

or--I think it was a combination of mortar and some heavy fire and they pulled back two or three times, I think it was three times, and they tried to get it with the artillery or the mortars, the mortars they had there.

Q. Do you remember that?

A. I remember they had to pull back two or three times, yes. I was pretty sure of that. Whether or not it was Charlie Company I don't know. I think it was though.

Q. Could that have taken place in February instead of March, what you're talking about?

A. It could have. I don't think so. I think it was during this time. I'm pretty sure during this time they had, like other times, they had trouble in this area.

Q. To be honest with you, this is the first indication that they had any kind of opposition except maybe sporadic fire, sniper fire or something, and that's about it. No mortar fire; no rockets.

A. Again, I am almost certain that they were having trouble. This is the impression that I got from being in the operations center. I was there a limited time, but they were having trouble and two or three times they had to pull back.

Q. Whose radio did you listen to?

A. Well it was the radio in the net. It was there in the TOC so it must have been on the command net.

Q. Did you see LEWELLEN in there that day? Do you know LEWELLEN?

A. Captain LEWELLEN?

Q. Yes.

A. Yes.

Q. Did you see him there that day? Did you talk to him?

A. I can't remember if he was there yet or not. I think he was, yes.

Q. Yes, he joined about 2 weeks before then. Were you aware that he was making a tape recording of the radio transmissions? Were you talking to him about that?

A. No, I wasn't.

Q. It was sitting right there, right next to the radio.

A. I sure wasn't aware of that. No, I wasn't.

Q. Were you there when Warrant Officer THOMPSON, one of the aero-scout pilots, arrived about noontime?

A. Again without knowing whether I'd seen the pilots or not, I don't know.

Q. This pilot was up in the TOC. I am not talking about him being down in the LZ. I'm talking about him being up in the TOC. He was conceivably with Major WATKE and various people to see Colonel BARKER.

A. General, people were running in and out of that TOC a lot. As I stated before, I'd probably know him if I saw him, but I don't know a Warrant Officer THOMPSON.

Q. Did you hear any conversation concerning a warrant officer reporting that there was indiscriminate killing of women and children down there?

A. No, I didn't hear anything about that.

Q. Just think now, you're right in this TOC--

A. (Interposing) I know.

Q. And that's where--

A. (Interposing) That's why this whole incident surprises me, because I never heard anything like this. No, I didn't hear anything like this at all.

Q. Did you hear a report coming over the radio to the effect that B/4/3 and C/1/20 had joined up?

A. Again, I think I did. However, I can't be sure of that either.

Q. Did you see any National Police around there that afternoon?

A. No, I don't think I did. There had been some National Police up there, but I don't think it was that afternoon.

Q. Did you carry any kind of a notebook? How did you take this stuff back to brigade?

A. I had a pouch that I took things in.

Q. How could you go back to brigade and tell them the story unless you maintained some kind of notes of what was going on?

A. I usually had an overlay of our area, and I would have on it what we were going to do the next day as far as ambushes and all that.

Q. Didn't you also go back and report what had happened that day?

A. Yes.

Q. How did you do that? Did you rely upon your memory to go back there and stand up before this?

A. No. I didn't give the briefing. I gave it to the S3 who did give the briefing.

Q. You couldn't just go back there and give him something off the top of your head.

A. Right.

Q. You had to have some reliable statistics and a story to tell him, because I know these G2 and G3 briefers.

They're not going to let you come in and give them a cock and bull story because they've got a pretty good idea what's transpired. Your job is to go back there and fill them in, to get them prepared so that they can give the briefing to the rest of the staff that afternoon.

A. As you mentioned before, this was one of the biggest operations. So that day I could have written down what we did. But many times I think it was kind of hit and miss as far as bringing this stuff down. If we did do something, and it was enough that I would have to write it down, I would write it down. But if it wasn't, sometimes I wouldn't. After a while I got to know what we had done that day, where we were working, and what we were going to do, so that I really didn't need to take that many notes.

Q. But this was the biggest day that the 11th Brigade had since they had been in country.

A. Right. That's what I was just going to say. That day I could have written it down, but I don't remember writing it down.

Q. What did you go back and tell them? Now, you should remember that. How many enemy did you go back and tell them were killed?

A. I can't give you the exact figure, but it was high. You have to remember, General, there were a lot of people in this area monitoring this for themselves.

Q. But they relied a great deal upon you. That's your primary job.

A. That was my job. You're right. However, Colonel HENDERSON was there many times during the day. Some other people were there, so they pretty much knew what went on that day, whether I brought the exact total or not. As a matter of fact, I cannot remember what the total was for that day. I do remember, though, that the total for the weapons that were picked up were something like three. However, I can't say exactly how many I totaled as far as people killed that day. I can't remember the exact total.

However, I think between the time I got there and the next day, the total was changed. In other words, the total that was given in the briefing that night at 1700 was revised the next day.

Q. Which way?

A. I think downward. There was more the day before, you know. It was then the revised body count.

Q. When you were up at Dottie did you keep very close track of the journal?

A. Sometimes, when I needed to get information from it.

IO: Give me the journal from the 16th through the 18th, and the Americal Division journal for the same period.

(RCDR did as requested.)

I have here Exhibit M-16 which has the certified true copies of the journal for Task Force Barker for the 15th, 16th, 17th, and 18th. I'd ask you to review these for the 16th.

(Witness examines exhibit.)

Does that refresh your memory somewhat of what transpired there that day?

A. Somewhat. It says that General KOSTER arrived there at 1645. I was probably gone by then.

Q. Well, but look back there at 0930 in the morning and see if he didn't arrive then too, 0935?

A. Right.

Q. What time did he depart?

A. It just says arrival.

Q. Okay. Do you remember that figure now of 128 KIA?

Do you remember the closing entry?

A. Well, now this closing entry was written probably after I'd left.

Q. Oh, that's probably true, but you will find that there was nobody killed from about 1400 in the afternoon on.

A. That's right.

Q. So by the time you left--

A. (Interposing) I probably had that figure. I probably did.

Q. Why did the weapons count of three stand out in your mind?

A. Well, because I've been thinking about it. But at the time it seems like I was really amazed that they could have killed so many people and still could have been able to hide the weapons so good. From what I've heard from talking to other people when I was there, the VC were able to hide their weapons very well, you know, when they were pursued. So it just seemed to me that when three weapons were found that too many people were killed. Now don't get me wrong, it didn't stand out that I'd thought anything was amiss.

Q. Did you hear anybody question this ratio of 128 to 3 weapons? That is a pretty good ratio, or pretty poor ratio I should say, 1 to about 43?

A. No.

MR MACCRATE: Mr. REID, did you take back that day to LZ Bronco any report as to the civilian casualties that had been reported and noted in that log?

A. No. I'm pretty certain I took a total killed count.

Q. Now, having looked at the log again, what do you recall about the change in figures from what was reported on the 16th from those that were reported on the 17th? You indicated earlier that you did recall that there was a scaling down of the KIA figures. Can you relate that to what you thought at that time?

A. Well, I haven't looked at the 17th part.

Q. The 17th will be an account of what happened on the 17th. If you'd like to look through the entries, go right ahead.

A. I don't think it has any.

Q. But you've now seen the report for the 16th. My question is, what was later done with the figures that you reflected at the end of journal for the 16th? What do you recall being done with respect to those figures?

A. Again, I was under the impression that this 128 figure was scaled down the next day.

Q. What do you remember about this?

A. I don't know the exact figure.

Q. Do you remember a conversation, a discussion among people either at Duc Pho or back up at Dottie?

A. I probably got this information at Dottie when I went back the next morning, the 17th. But I don't remember any specific conversation, no.

Q. What makes you think you got such information?

A. Again, this is just an impression that was in my mind. I think anyway that there was a higher total than this at one time, a higher total than 128. This was a higher total and then there was a lower total. In other words, it might have been that I had told them at the 1700 meeting on the 16th a higher figure than this, or it could have been that this was a higher figure than I had later related or something to that effect.

Q. Do you remember some criticism?

A. I don't recall.

Q. Do you remember some criticism being directed at these figures? Someone questioning them?

A. Not directly, no.

Q. You don't have any recollection of having questions raised about these figures?

A. No.

IO: Well then, why were they changed?

A. I don't know, General. This is, again, an impression in my mind. It's not a clear-cut fact.

Q. While you were listening to that radio, did you hear a figure come over at about noontime or 1230 to the effect that 301 had been killed?

A. I don't remember that exact figure. However, there were some figures going around that were--like you say this was a big operation--just hard to believe. I don't believe that exact figure, no.

Q. Well, they kept the thing up on a board now.

A. Yes, right.

Q. If you'd seen the figure of 301--

A. (Interposing) I probably would have remembered it.

Q. That should have hit you about like you had gotten a 2-by-4 right between the eyes. It seems to me that you would remember that figure, or any figure of that order of magnitude?

A. I agree with you. I know the bulletin board that you're talking about. But no, I don't remember that figure.

MR MACCRATE: You mentioned earlier the conversation you've had with Mr. DUNN in more recent months. Could you tell us what the two of you exchanged on this? What you were able to recall, as to people who had been in the air and what had happened?

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A. No, I didn't recall that. What they were trying to establish at that time was not what was said so much, but whether or not there were some people in the air directing this operation. I prefaced everything I said to them with "I think." Like I said, I'm pretty sure that Colonel BARKER was in the air and some other people were in the air.

Q. Who were the other people in the air?

A. Well, Colonel HENDERSON.

Q. Do you recall that Colonel HENDERSON had landed that day? I think you mentioned someone landing?

A. Yes, I think it was Colonel HENDERSON.

Q. Do you have any other recollection of who was flying and what they were doing?

A. No, nothing.

Q. What was the name of Colonel BARKER's driver? Do you remember that?

A. I remember his face. I can't remember his name, no.

Q. What do you remember about him?

A. I talked to him a few times. He was a good guy. He was talking about going back to school in Nebraska somewhere, or Minnesota, somewhere like that. He was a blond-headed guy. Other than that we just talked a couple of times going back and forth to the LZ.

IO: Where did he normally work before the task force was organized? You should have know him before and you should have known him afterwards, if you knew him that well.

A. I knew him before, and, of course, I knew him afterwards. I can't remember where he was from for sure. I'm pretty sure he was from headquarters company.

I think he worked for the S3, but I'm not sure. I might be mistaken. I'm not positive of that.

Q. Was his name BEASLEY or something like that?

A. It's something like that. BEARDSLEY or something like that, I can't say for sure.

Q. What did you call him?

A. It was not BEASLEY. It was BEARDSLEY or something like that. I'm not sure of the name.

MR MACCRATE: Do you recall him going on any operations?

A. I knew he wanted to, and he had asked Colonel BARKER a couple of times if he could. I think he might have. Again I'm not positive. I knew he wanted to.

IO: You say he was a clerk-typist. Do you remember him being a clerk-typist? Do you remember him being anything?

A. He wasn't a clerk-typist at Dottie.

Q. While back at brigade?

A. I think he was, yes. He wasn't at Dottie though. A colored fellow there was their clerk-typist.

Q. What was his name?

A. I can't remember his name.

Q. Was this driver of Colonel BARKER's around General LIPSCOMB part of the time prior to General LIPSCOMB's departure?

A. I don't know for sure, General.

Q. I have here a picture, P-68. Do you recognize this individual?

(IO hands photo to witness.)

A. Yes, sir.

Q. Who is he?

A. The driver, or it looks like him anyway.

Q. What's his name?

A. I thought it was BEARDSLEY. At least it looks like him.

MR MACCRATE: Is he the individual to the left in the foreground?

A. The closest one, yes.

IO: Do you remember that when you went back you took some high figures, such as 301 or 350?

A. I really don't.

Q. We may be only talking about Charlie Company. Bravo Company, over here on the coast, probably had 30 or 40 more. Maybe 340 or 350?

A. I don't think I took anything that high. I think I would've remembered that. I don't think I took that higher figure. However, I don't know, I could've taken--I knew that it was very well weighted on Bravo Company side.

Q. Bravo?

A. No, Charlie Company, excuse me. But, no, I can't I wish I could. I cannot recall the figure.

MR MACCRATE: Do you remember BEARDSLEY ever coming back and talking about this operation? It was a pretty unique experience for him to be out on an operation and to have been out on this one. I would've thought it might have made quite an impression upon him? Do you ever remember him talking to you about that?

A. Vaguely, but nothing specific. He didn't tell me. I can't recall him telling me that he was there and that he did this or that. I vaguely remember him talking about something. I can't remember. I wish I could.

Q. Do you remember talking about anything he observed or about what was done with the village, the animals, or anything of that sort?

A. No. If I had talked to somebody and they did tell me what had gone on, I think it would stick a lot more in my head than it has so far. This is the first or closest thing that I had ever seen to combat, so I'm not one to know what is a staggering figure or what is not.

Q. I thought you'd said earlier to General PEERS that this was not the first operation that there had been.

A. No. I meant that this wasn't the first time that the companies had worked close to this area. However, this was the first time that they had killed as many or gotten as much contact.

Q. You said you remembered hearing something about control of the troops. Can you give us what your best recollection is as to what you heard in the transmissions about control of troops?

A. Well, I'm pretty sure I heard, nothing specific, but I'm pretty sure it was from air-to-ground. Somebody said something similar to the effect: "Move in this direction," or something like that.

Q. Well, was it simply move in this direction? Troops are moving in one direction or another all the time.

A. Yes.

Q. If something is seen over to one side, the air commander, will give a word down to the troop unit on the ground to indicate where to go. This happens all the time.

A. Right.

Q. Perhaps several times an hour wouldn't be unusual I suppose. Is this what you're talking about that sticks out in your mind?

A. Right. I didn't hear anything as far as control of troops. They might've spread out and, you know, I had heard something to the effect to move them together or move them this way. That's what I mean by control of troops.

IO: Well, I asked you if you heard a statement such as, "Let's get control of your troops down there," or words to that effect. "Get your troops under control." Actually the statement that I'm giving you has about three parts to it. If you can remember, "Get in control of your troops," you must remember, "Stop any burning and let's make sure that no civilians are killed around here." This comes over loud and clear right over the battalion net, and you're in and out of the TOC.

A. Again vaguely, General, I wish I could. I can't tell you that I heard that for sure.

Q. You just think you heard something about control?

A. Yes.

Q. The word control sticks in your mind?

A. Yes.

Q. When you were at Bronco, whom did you stay with?

A. I stayed with, at that time, two other lieutenants.

Q. Who were they?

A. Lieutenant DUNN.

Q. Yes.

A. I mentioned him already, and another Chemical officer, Lieutenant MYER.

Q. What did DUNN tell you about this thing. He's got a little feel on this thing too. He's got photographers and he's got people out there, you know. What did he tell you?

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A. He really didn't. I was wondering about that myself, because I think if there was anything amiss or if he had known anything for sure, he would've said something to me. But I don't remember him telling me anything was strange out there.

Q. Did he ever say anything about his photographers or his reporters, "Seeing a hell of a sight out there today"?

A. No.

Q. Anything like that? Did you get an impression like that?

A. Not with me.

Q. Do you know "Bull" JOHNSON?

A. Yes, I've heard of him.

Q. Who is he?

A. If I remember right, he was an MI officer.

Q. Did you ever talk to him?

A. Yes, I've talked to him.

Q. Talk to him about his going out on that operation?

A. No, not specifically, no.

Q. Did you know he was on the operation?

A. Yes, he was there. He was at Dottie from time to time. He stayed there for a while.

Q. Well he was out the first day. The next 2 days or 3 days, he stayed right at Dottie. When you were up there, did you talk to him at all or did he talk to you and tell you about his hellish experiences going on throughout that operation?

A. No. I talked to him, but we didn't talk about that.

Q. "Bull" didn't tell you anything?

A. No. Nothing like that.

Q. When you were around that TOC the next few days, did you ever see anybody working up or did you assist in the preparation of a 3 by 5 card that had some statistics on it?

A. I don't think so.

Q. How much of a typing capability did they have up there at Dottie?

A. They just had one typewriter if I can remember.

Q. I would understand that they didn't have much of a clerk capability?

A. No, they didn't. They had one typewriter and one of those field desks, or whatever they call it. They had just that one clerk.

Q. I have here a document which is entitled Combat Action Report, dated 28 March. It has been entered into the record as R-2. Now the original document may have been on the standard size in that form, I will give you this document and ask you, in your capacity as liaison officer, going back and forth between Dottie and Bronco, whether you took a report such as this back to Bronco to get typed up to bring back to Colonel BARKER and subsequently perhaps delivered it to brigade headquarters?

(Witness examines document.)

A. I do remember vaguely something like that, bringing that down to the S3 shop. No, I didn't read this. However, I do remember that I took it down to have it typed. I don't know if this is it or not.

Q. Well, these things are quite important to us to find out, very frankly. This is the reason I'm taxing your memory, I know that. I'm not trying to put words or thoughts in your mouth or in your mind, but it would be real helpful to us if you could really think and think hard about these things, because I've got a pretty good idea of what transpired. I know generally how these things must have happened. This is the reason we're giving you these things, to see if some of these things will fit back in.

A. Well, I'll tell you this right now, I don't remember reading this. I know I didn't prepare it.

Q. No. If you recall in your courier capacity and in your liaison officer capacity, the battalion commander, Colonel BARKER, liked to put considerable trust and faith in you to do certain things and to report certain things and to accomplish certain things for him. Otherwise, you're nothing more than a mailbag carrier. As a consequence, I'm asking if you accomplished some of these things in your capacity, you see?

A. Actually, General, my capacity I thought of at the time as more or less a mailbag carrier. I never had any real hand in planning any operations or anything like that.

Q. A liaison officer doesn't do that. Now I'm talking about the functions of a liaison officer. What is the function of a liaison officer? It is to keep himself abreast of what is going on at his command. You at that time were attached to Task Force Barker, to keep yourself abreast of what's going on down there so that you in turn can inform people at the higher headquarters and can receive instructions and guidance issued by the commander there and transmit them to your commander.

A. That's correct.

Q. All right. Well now all I'm asking is whether or not you performed this function?

A. Well, to a certain extent I did. However, as far as reference to this document right here is concerned.....

Q. I'm not saying you did carry this document.

A. I know.

Q. I'm asking since they had no typing capacity at LZ Dottie, or a very limited typing capability, were you ever given the responsibility to take that kind of report? I would like to know if you handled that specific report, to get it back to somebody in the 3 shop or at headquarters to get typed for Colonel BARKER?

A. Yes. I can remember taking some typing work to the S3 shop, but specifically this document here or anything like it, I cannot for sure tell you that it was. I sure wish I could, but I can't.

Q. I have here another Combat Action Report dated 24 March, from Headquarters, Task Force Barker, 11th Infantry Brigade, to the Commanding Officer, 11th Infantry Brigade, which I would like to have entered into the record as an exhibit.

RCDR: This will be entered into the record and marked as Exhibit R-12.

IO: I also have here a document consisting of a memorandum from the Headquarters, Americal Division, dated 19 March, subject: Combat Action Report, to the Commanding Officer, 11th Light Infantry Brigade. It has attached to it two inclosures, one inclosure dated 22 March 1968, subject: Combat Action Report, addressed to the Commanding Officer, 1st Battalion, 20th Infantry. It also has attached to it another memorandum dated 22 March 1968, subject: Combat Action Report, addressed to the Commanding Officer, Task Force Barker, LZ Dottie. I'd like to have this document with its two attachments entered into the record as an exhibit.

RCDR: This will be entered into the record and it will be marked as Exhibit R-13.

IO: I have here another Combat Action Report, covering a different operation, in a different time period.

Would you know whether or not in this same period, looking at the date, the 24th as compared with the 28th, you took that document back to LZ Bronco for typing and preparation for the brigade commander? It's the same format as the others.

A. Again, I wish I could. I made my rounds to different people every day. I went to the 3 shop and the 2 shop every day, just about. I do remember taking some things down and specifically having to pick some things up at the S3 shop. But I cannot say for sure that this is the document.

Q. Did you ever stop by the 2d ARVN Division headquarters as part of your responsibilities, or by Quang Ngai Province headquarters or by Son Tinh District headquarters, as part of your routine duties to pick up papers or to deliver papers to them?

A. No. Not to deliver or pick up papers. We stopped there a time or two to let people off and to take people on once in a while.

Q. You never had any responsibilities with respect to them?

A. Yes, I did, but not during this time. Later, just before I came home, in late August.

Q. At this time you had no responsibility, let's say up to the 1st of July?

A. No.

Q. No? Were you ever told to stop by Son Tinh and pick up a report there?

A. Oh, wait a minute. I have picked up some things there.

Q. Yes. Who did you see over there?

A. I didn't know anybody at that time.

Q. You probably knew Angel RODRIGUEZ didn't you? Captain RODRIGUEZ? Did you know DAWKINS?

A. I knew DAWKINS, but again I knew him later.

Q. How about Major GAVIN?

A. Again, I met Major GAVIN later in the year.

Q. What did you pick up there now as far as these papers are concerned?

A. I don't know. I picked up a regular Army manila envelope. What is was specifically, I don't know.

Q. Do you know about what time you picked it up?

A. No. I can't jog it in my memory when we did. I remember stopping there once or twice in that time, but no more than that, I don't think.

Q. Did you ever stop by the football field in Quang Ngai to go in and talk to the people in sector headquarters?

A. No, I never went in there.

Q. Did anybody ever bring any papers to you at the helicopter to take on back?

A. At the football field?

Q. Or at the Tropo?

A. At the Tropo there I did. But at the football field, no.

Q. Did anybody ever meet you out at the Tropo pad and give you any papers or did you go into the headquarters?

A. No, I never did go in before that time.

Q. Yes.

A. But we stopped there many times to pick people up.

Q. Yes.

A. A couple of times I think we did pick up some things as far as papers were concerned.

MR MACCRATE: Can you relate in any way, Mr. REID, the pickup that you made at Son Tinh to the time when Task Force Barker terminated? Do you recall that it was around 9 April that Task Force Barker was disbanded? I would assume that this made for some changes in your daily routine. Can you relate this pickup of a manila envelope to that point in time?

A. Well, again, not really. The general impression is that it might have been a little closer to that time than to 1 March.

Q. I know under these circumstances that days you might remember in other circumstances don't stand out as being very different. Easter was the 14th of April in 1968. You don't happen to have any recollection of going to Mass on that day or going someplace in that connection that would help you to fix the time?

A. No.

Q. Mr. REID, I show you Exhibit R-1, dated 24 April 1968. You will note that it is a two-page report and that attached to it are two inclosures. I would like you to look very carefully at these and see if you have any recollection of seeing either the two-page cover letter or either of the two inclosures at any time in the discharge of your responsibilities around brigade? This is a document or parts of it which would have been moving around. If I was looking for someone to carry parts of it, I think I would have been looking for you. It may be that it was just in an envelope when it was being carried around, but I'd like you to just search your recollection to see if anywhere there is something you may have seen?

(Witness examines document.)

A. No. I do not recall seeing this before.

Q. Look at the statement dated 14 April. Have you any recollection of seeing that?

(Witness examines statement)

Q. While you're looking at that, let me hand you another copy of the document, the same document of 14 April, which has been marked Exhibit M-30. You will find there is an easier reading copy underneath.

(Witness examines document.)

Q. Did you ever hear any reference to picking up a statement from Captain RODRIQUEZ? The fact that Captain RODRIGUEZ had prepared a statement? That it was over at Son Tinh and had to be picked up?

A. No. I sure don't.

Q. Now the second inclosure is--

A. (Interposing) On this here?

Q. Exhibit R-1 is a two-page piece of VC propaganda. Do you ever recall seeing that?

A. No, I don't.

Q. Do you have any recollection of conversations in your presence between Colonel HENDERSON and Colonel BLACKLEDGE regarding any meetings about this time with Colonel TOAN, the commanding general of the 2d ARVN Division?

A. No. I don't recall anything like that.

Q. Around Bronco, do you recall any conversations after the time of this operation, in March 1968, about the Pinkville incident or any discussion as to what had gone on in that operation?

A. No. I'm really surprised by this, as I say.

(IO departs hearing.)

Q. There are some people who were there who did seem to hear these things.

A. Well, I didn't. I would like to help you, but I didn't hear anything.

Q. Where was your tent or you hootch at Bronco? Was it in the vicinity of the chaplain's?

A. No. The chaplain's was across the road from me. I can draw a map to show you.

Q. Well, were you near the PIO shop where Lieutenant DUNN worked?

A. No, about 70 to 80 yards away.

Q. But you have no recollection of any such matters being discussed, no war stories about this operation?

A. Again, I say that I was surprised that I didn't because I usually did hear things, you know. I'm surprised that I didn't hear anything. I knew this photographer and some of the photographers in the PIO shop, because I did go over there a lot. Lieutenant DUNN was a pretty good friend of mine, so I spent some time over there. It really does surprise me that I didn't know--that I didn't hear anything about this.

Q. Do you have any recollection of Mr. ROBERTS, at that time Specialist ROBERTS, complaining or Lieutenant DUNN talking about his complaints about writing up the story on this operation?

A. No.

Q. Well, let me show you Exhibit M-17, which is The TRIDENT, the 11th Infantry Brigade's paper, of March 22, and ask you if that in any way refreshes your recollection about anything that Lieutenant DUNN told you about the preparation of that news item which you'll see in the right-hand column?

A. No, he didn't, if I got your question correctly. This doesn't jar my memory, so to speak, as to anything Lieutenant DUNN told me.

Q. You don't remember him saying anything about having to write this story because ROBERTS would not?

A. No, I don't.

Q. Did you at any time in March or April 1968, that you can recall, hear that an investigation was being conducted either by the ARVN or the GVN or by the 11th Brigade, by Colonel HENDERSON?

A. No. I wish I had, but I didn't. It is surprising that something like an investigation did take--or was supposed to.

Q. Did you know that Colonel HENDERSON went out into the field to talk to Captain MEDINA about this operation?

A. No. He had during that time, during the day?

Q. Well, actually it would be perhaps a day later.

A. No, I don't think so. He might have done it that day. I knew Colonel HENDERSON was in the air and Colonel BARKER, I'm pretty sure, was in the air that day. It could've happened that day.

Q. Do you ever remember hearing at a later time, a day or two later, he went out into the field where Charlie Company was located and talked to Captain MEDINA?

A. No. I didn't know about that, no.

MR. MACCRATE: Mr. REID, do you have any questions you would like to ask of us, or any statement you would like to make for the record?

A. Not really. Nothing more than I wish I could've been more help to you, but I just don't know that much about the incident.

Q. Well, if there is anything in what we've shown you today that begins to trigger your recollection as you leave us and start back to California and begin to reflect on some of these

things, we hope you will promptly get in touch with us. Major LYNN will tell you how that can be done and we would welcome anything that you can bring to our attention to help us in this inquiry. Do you have any records of any sort, or any documents, or any pictures from this time, the spring of 1968?

A. Well, I have a couple of aerial shots of Dottie. They are slides. Other than that, I don't have anything.

Q. Well, actually, that would be helpful to us. Both LZ Bronco and LZ Dottie, which I have personally visited in the past several weeks, have been changed in their physical arrangement since that time, and we've had some witnesses draw sketches for us. If you have aerial photos that are contemporaneous with the period that we are dealing with, it would be helpful to us. I'd like to ask you to make arrangements with Major LYNN, if you will, to provide those to us. We will be happy to handle it any way that is convenient for you to get the original back to you after we make copies or something of that sort.

A. Yes. Thank you.

MR MACCRATE: We will recess at this time.

(The hearing recessed at 1434 hours, 21 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: RIDENHOUR, Ronald L.

DATE OF TESTIMONY: 29 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Doorgunner, Headquarters and Headquarters Company, 11th Light Infantry Brigade.

1. BACKGROUND INFORMATION.

On 22 October 1967, the witness was assigned to the 70th Infantry Detachment, Long Range Patrol, located at Schofield Barracks in Hawaii (pg. 3). At the end of November, that unit was disbanded (pg. 5). The witness accompanied the 11th Infantry Brigade to Vietnam, departing on 5 December 1967, and arriving in Qui Nhon on 20 December 1967 (pg. 3). In Vietnam, he was assigned as a doorgunner for the Headquarters aviation section. He remained and worked with that unit until 15 May, when he was reassigned to 51st Infantry, Long Range Patrol (pg. 3).

2. PRIOR TRAINING IN RULES OF LAND WARFARE.

The witness stated that because he was a LRRP, the only training he received as far as handling prisoners was the five S's (pg. 5). He was not familiar with the training conducted in the rifle companies in Hawaii (pg.5). When the unit arrived in Vietnam, the only training that he received was in the aviation section, and that did not consist of the treatment of prisoners (pg. 6). The witness had seen Exhibit M-2 and had been issued one while in Vietnam (pg. 6). He had seen Exhibit M-3 but had not been issued one (pg. 7). The witness stated that the attitude of befriending the population in Vietnam did not prevail in the 11th Infantry Brigade (pgs. 8, 9). He gave an example in which a company commander reported that he was "killing dinks", by which the witness

(RIDENHOUR)

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inferred that he meant Vietnamese (pg. 9). The witness vaguely remembered classes being given in zero week of basic training regarding the obedience of an illegal order (pg.10). He also recalled a discussion of it while in basic training but did not recall any examples being given (pg. 11). The witness stated that he did not feel that the unit was ready to deploy to Vietnam (pg. 65). He stated that it was sort of an OJT training for the organization (pg. 66).

3. HIS KNOWLEDGE OF EVENTS IN MY LAI (4).

a. Prior operations in the area.

The witness stated that as a doorgunner he had participated in combat support for an operation which had occurred in the Pinkville area around 23 February 1968 (pgs. 15, 16). He stated that the unit was credited with the destruction of a mortar position atop Hill 85 (pg. 16). The witness recalled seeing APC's in the area on that particular operation (pg. 17).

b. His knowledge of the activities in My Lai (4) on 16 March.

(1) Information from Charles GRUVER.

The witness stated that on or about 20 April, he spent 10 days in Headquarters and Headquarters Company, during which time he ran into a man named Charles GRUVER (pg. 17). The two had served in the 70th Infantry Detachment together, and were "good acquaintances" (pg. 17). During conversations, GRUVER reported to him that they had killed all the civilians at Pinkville (pg. 17). GRUVER reported seeing the captain's RTO shoot down a very young boy who was standing on a trail (pg. 17). GRUVER also recalled seeing a man shoot himself in the foot, in an attempt to avoid the responsibility of having to obey or disobey the orders to kill the people in the area (pgs. 17, 18). GRUVER indicated that he did not fire at the people (pg. 18).

(2) Information from Michel TERRY.

After the witness joined E Company, 51st Infantry, Long Range Patrol, at Chu Lai, he spoke with Michael TERRY, an old friend of his from Basic Training and

Leadership Participation Course (pg. 18). One night TERRY spoke for three hours of what had happened at Pinkville (pg. 19). He gave basically the same story that GRUVER had, and indicated that the company had killed everyone in the village (pg. 19). TERRY indicated that he had heard stories about Lieutenant CALLEY, but had never actually seen him do anything (pg. 20). TERRY indicated that he and William DOHERTY killed a number of wounded people who were lying in a ditch because they thought the people would not receive medical care (pg. 20).

(3) Information from William DOHERTY.

The witness stated that he also discussed the incident with William DOHERTY (pg. 20). He said it was a vague discussion and lasted for only 10 or 15 minutes. The witness asked DOHERTY about what TERRY had said, and DOHERTY confirmed it with the words, "that's what happened, that's what we did" (pg. 20). The witness stated that the stories of TERRY and DOHERTY were identical (pg. 21).

(4) Information from Henry PEDRICK.

The witness stated that he spoke with PEDRICK very, very briefly and the only thing that PEDRICK said to him was, "yeah, it was terrible" (pg. 21).

(5) Information from Sergeant Lawrence LACROIX.

The witness stated that LACROIX reported seeing CALLEY separate civilians into three groups and order TORRES to shoot them with an M-60 (pg. 21). TORRES originally fired but then quit and refused to continue (pg.22). When this happened, CALLEY took over the weapon himself and finished the job (pg.22). CALLEY also killed the other two groups of people (pg.22). Sergeant LACROIX estimated that there were 20 to 40 people in the groups (pg.22).

(6) Information obtained from TORRES.

The witness stated that he recalled TORRES giggling, and referring to "all them people killed at Pinkville" (pg.22). This was the only statement that he recalled TORRES making (pg. 22).

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(7) Information received from Gary GARFOLO.

The witness worked on a LRRP team out of Duc Pho. He recalled GARFOLO indicating to him a general confirmation of the massacre of people in the village (pg.22).

(8) Information obtained from Michael BERNHARDT.

The witness stated that he visited BERNHARDT while he was in the 2d Surgical Hospital at Chu Lai (pg.23). During their conversation, he asked BERNHARDT about Pinkville and was told the same story (pg.23). BERNHARDT had told him that he refused to participate in it and felt that something should be done about it (pg. 23). BERNHARDT agreed to make a statement to any investigators on the incident (pg.23). BERNHARDT also told the witness about MEDINA seeking him out and telling him "don't write your congressman" (pg. 26). The witness stated that BERNHARDT was one of the few people who would stand up and criticize the company and that BERNHARDT's 1040 for the LRRP's had never gotten by the first sergeant's desk (pg. 26). He indicated that BERNHARDT was scared while in the field because he felt there was a conspiracy within the brigade to make sure that whatever happened at My Lai (4) would not become public (pgs. 28, 29). BERNHARDT, who had severe jungle rot, was only able to get out of the field by jumping on a departing supply ship and returning to the base camp to see the medics (pg.29).

c. Other information on the incident.

(1) The witness stated that the people with whom he spoke indicated that the orders to kill everyone did not originate with Captain MEDINA, but had come from higher headquarters (pg. 24). He indicated that when MEDINA gathered the company together to brief them, he told them to go out and "make up" for the people they had lost in the minefields (pg. 24). The people did not mention any anticipation of resistance, but only indicated that they were going in for revenge (pgs. 24, 25).

(2) The witness stated that people told him that MEDINA received instructions over the radio at noon, and then went "tearing madly" around the company telling everyone to cease fire and not kill anyone else (pg. 25). The witness stated that he got the impression that MEDINA was physically running around the company (pg. 42). He stated that the radio would not be sufficient because MEDINA had lost control of his men (pgs. 42, 43).

(3) The witness was told by TERRY and DOHERTY that the company was questioned by Colonel HENDERSON when they returned to LZ Dottie (pg. 27). The witness felt that it was significant that Captain MEDINA made it a point to send BERNHARDT on a detail so that he would not be available when HENDERSON arrived to question the company (pg. 27). The witness stated that because all the members of the company knew HENDERSON had come and questioned the company, they had assumed there had been an investigation which was white-washed (pg. 33). Because the witness thought the investigation was being conducted by a colonel, he did not report it to Captain CLARK, his company commander (pg. 58).

(4) The witness stated that he flew over the area of My Lai (4) a few days after the incident occurred (pg. 34). Near a path between the villages, they saw the nude body of a woman which was face up and which had an 11th Brigade patch on the crotch (pg. 34). His pilot, Warrant Officer HONDA, indicated that the patch could have been blown there or placed there by the VC (pg. 35). The witness stated that when HONDA took off, he made sure that the prop wash blew the patch away (pg. 36). He cited another example when they saw enemy soldiers enter a bunker, and Warrant Officer HONDA did not fly close enough for them to place a grenade in the entranceway to the bunker, stating that the people up there had had a "pretty rough time" (pg. 38). The witness mentioned another incident when they guided some ground troops to a man who was lying in the grass, and they saw the soldiers shoot the man (pg. 40). The company commander reported to them that he "thought" the man had a grenade in his pocket (pg. 41). The witness stated that the people on the aircraft were shocked at this behavior (pg. 41).

(5) The witness stated that he heard a rumor that some pilots from the 123d Aviation Battalion had observed and reported the incident (pgs. 44, 45).

(6) The witness reported that between 15 and 30 November, after returning from a seven day leave, he visited the division historian, and after telling him that he was doing a term paper for college on military operations, he examined the files on Task Force Barker (pg. 54). The witness stated that Exhibit R-2 looked familiar but he was not sure he had seen it before (pgs. 54, 55). He examined Exhibit R-12, and stated that he thought this was a document describing an operation that he flew cover on at the end of February (pg. 55).

4. REPORTS ON THE ASSAULT.

a. The witness stated that he suspected the sincerity of some members of the Army, although he reported the incident to numerous military, administration, and congressional authorities (pg. 48). He stated that he was reluctant to report the crimes that his close friends had taken part in (pgs. 49, 50). He also felt that in his prior dealings in the Army he had learned to "don't volunteer" and to "cover your ass" (pg. 50).

b. The witness stated that he sent out 30 copies of his letter on the subject, which was marked as Exhibit M-83. He stated he sent one copy to General WHEELER, one copy to the Joint Chiefs, one copy to the President, one copy to the Secretary of State, and one copy to the Secretary of Defense (pgs. 61, 62). He listed in the record the Representatives and Senators to whom he sent copies (pg. 62).

c. Exhibit M-84, a letter sent by the witness to Senator Eugene MCCARTHY, was written because the witness thought that only CALLEY was being charged and he did not feel that CALLEY was the only officer involved (pg. 63). The witness indicated that he had contacted a Colonel WILSON from the committee but was not given any information (pg. 64). He then wrote to Congressman UDALL and was told by UDALL's Administrative Assistant to write a letter listing the weak points of the investigation (pg. 64). He sent nine copies of the letter to Congressmen and Senators (pg. 65).

5. OTHER INFORMATION.

a. The witness indicated that a close friend of his was the doorgunner for General LIPSCOMB's command and control helicopter (pg. 12). His friend told him that the general referred to the Vietnamese as "dinks" and "gooks" and goaded his troops to wipe out a village if the villagers fired upon them (pgs. 12, 13). The witness stated that his friend was named Terry HUXFORD (pg. 13).

b. The witness stated that he once overheard a man named ALAPAI, who was an Hawaiian, tell Sergeant COLEMAN about killing of everyone in a village (pgs. 30, 31). The

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witness stated that he thought ALAPAI was a member of A/3/1 (pg. 30).

c. The witness stated that GRUVER told him that rape was not uncommon and was committed by many people (pg.52). He had the impression that officers would turn their backs on a rape as long as it was not right before their eyes (pg. 53). The witness did not recall anyone being threatened to keep them from reporting any rapes (pgs. 68, 69).

d. The witness discussed his Army training and indicated that because "the Army is people" he had different reactions to it and felt that it was a learning experience (pgs. 56-60).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	Shown to witness.	50
D-6	MACV Directive 525-3	Shown to witness.	50
M-2	MACV Card "Nine Rules"	Wit was issued one after being in Vietnam for awhile.	6
M-3	MACV Card "The Enemy in Your Hands"	Wit had seen this card before.	7
M-48	COMUSMACV MSG on mistreatment of prisoners	Shown to witness.	51
M-82	Letter from WESTMORELAND to VIEN (21 Feb 68)	Shown to witness.	51
M-83	RIDENHOUR's letter 29 Mar 69	Introduced into evidence.	61
M-84	RIDENHOUR's letter to Senator MCCARTHY	Introduced into evidence.	63
R-2	BARKER's Report	Wit had seen in the Division Historian files.	54
R-12	Combat Action Report	Wit recognized facts from 23 Feb operation.	55

(The hearing reconvened at 1020 hours, 29 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL ARMSTRONG, COL FRANKLIN, and MAJ LYNN.

Sir, the next witness is Mr. Ronald L. RIDENHOUR.

(Mr. RIDENHOUR was called as the next witness, was sworn, and testified as follows:)

Mr. RIDENHOUR, for the record, would you please state your full name, occupation, and residence?

A. My full name is Ronald Lee RIDENHOUR. I'm currently living at Claramont Men's College, Claremont, California. My home of record is in Glendale, Arizona.

IO: Mr. RIDENHOUR, have you had an opportunity to read the instructions (Exhibit M-57)?

A. I have.

Q. Do you have any questions on them?

A. No.

Q. On my left is Mr. Robert MACCRATE. Mr. MACCRATE is a civilian lawyer who has volunteered his services to the Secretary of the Army to assist in this investigation and also to provide legal counsel to me and other members of this inquiry. He has working with him another civilian lawyer, Mr. Jerome WALSH, sitting at the far end of the table. On my immediate right is Mr. Bland WEST who is an Assistant General Counsel of the Department of the Army, and he has been designated by the Chief of Staff and the Secretary of the Army as my deputy in the conduct of this inquiry. Aside from them, on his right is Colonel ARMSTRONG and on your left is Colonel FRANKLIN. These two officers have been designated by General WESTMORELAND and by Secretary RESOR as assistants to me in the conduct of this inquiry. We have other groups such as this who are taking testimony from other individuals. It will be my job to pull together all the

facts and to prepare the report and to weigh the evidence and to determine the findings and the recommendations.

For your information, I am directing that all military personnel who appear as witnesses before this inquiry not discuss their testimony with others, including other individuals who may appear before this investigation as witnesses. Now, in your instance, your being out of the military service we can no longer direct you, but I would request that you do not discuss your testimony with others, including other people who may have appeared or will appear before this inquiry as witnesses, except as you may be required or requested before competent judicial or legislative bodies. I use the term "legislative" because, if you have not already appeared, there is a possibility that you may be asked to appear before certain Congressional committees. The one that would be most likely would be the investigation subcommittee of the House Armed Services Committee, in which case your testimony here and your appearance here would in no way change or preclude you from testifying before such a legislative body.

Q. To my knowledge you have not been cited in the general court-martial case of the United States v. Calley, that is by the military judge. Is that correct?

A. What do you mean by cited?

Q. Has he cautioned you about talking? I'm talking about Lieutenant Colonel KENNEDY?

A. No, he has not.

Q. Well, since you have not been cited, I will only say to you that your appearance here and your testimony here would in no way, if you are so cited sometime in the near future, either by Colonel KENNEDY or by any of the other judges in any of the or any other court-martial cases which may eventuate out of what we refer to as the My Lai incident, that your appearance here would in no way change either the effect or the applicability of any orders issued by any of those military judges.

Do you have any questions at the present time?

A. No.

Q. Mr. RIDENHOUR, would you indicate your duty with

the Americal Division, citing when you joined the division, any changes of assignment you may have had within the division, and when your services terminated with the division?

A. I was sent to Schofield Barracks, Hawaii, and assigned to the 70th Infantry Detachment, Long Range Patrol, I think around the middle of October of 1967, and at that time the 11th Infantry Brigade was forming at Schofield. On the 5th of December 1967 we all boarded ship. The entire brigade boarded ship and shipped over to Vietnam. We arrived in Qui Nhon, I believe, on the 20th.

Q. Was the 70th Long Range a LRRP detachment?

A. I'm sorry. It was disbanded about a week before we boarded the ships. I went to Vietnam as one of the few remaining members of the unit. I went over to keep care of the equipment and so on.

Q. Who were you assigned to at the time?

A. Captain Ralph CLARK.

Q. What organization?

A. We were under Head and Head.

Q. Headquarters and Headquarters Company of the 11th Brigade?

A. That's right. I was reassigned to Headquarters Aviation Section of the 11th Light Infantry Brigade somewhere around the turn of the year, either very late December or very early January of 1968, and I was a doorgunner with that unit until about the middle of April. I don't think my official orders came through reassigning me to E Company, 51st Infantry Long Range Patrol until the 15th of May. I was in company on the 1st of May. I left Primo around the 20th or the--

Q. (Interposing) Where is Primo?

A. Primo is the aviation section of Headquarters and Headquarters Company, 11th Light Infantry Brigade. I left that

unit around the 20th or the 21st of April. I stayed at Headquarters and Headquarters Company itself for about 10 days, and then I joined Long Range Patrol in Chu Lai and my official orders came out around the 1st of May.

Q. What unit was that designated as?

A. E Company, 51st Infantry Long Range Patrol. My official orders came through assigning me to that company on the 15th of May. Shortly thereafter I started going out on operations for them.

Q. How long did you serve with them?

A. I was transferred back to the United States on the 1st of December, 1968, and I was separated from the Army on the 2nd of December, 1968.

Q. The aviation section of the 11th Brigade, how many aircraft did this consist of and what types were they?

A. They had three OH-23's and I think two Hueys, UH-1C's, I believe.

Q. C's or D's?

A. C's I'm pretty sure.

Q. Slicks or guns?

A. Slicks.

Q. They were slicks as opposed to guns?

A. Yes.

Q. Probably was a D or an F. C's and D's most generally were the gunships.

I'd like to go back to Hawaii for just a little while. Tell me about your training there with your long range patrol, primarily, I'm not so much interested in your training as a long range patrol individual, but the training you received

and the training other individuals received in the rules of land warfare and Geneva Convention and the handling and treatment of POW's, noncombatants, and things of this particular category?

A. My arrival in the unit was probably the 21st or the 22nd of October or something of that sort. That would be pretty close. From that time until we were disbanded on, probably, the end of November, the 29th or 30th, 31st, something like that, we conducted training operations and attended various classes daily. As far as handling prisoners, about the only thing we really got, the only training we actually received there as far as actually handling prisoners was the five S's that the army teaches. I've forgotten exactly what they are. As far as humane treatment, et cetera, I can't recall any specific training in that. We could have had some. I just don't recall. The only thing our training was really not very thorough because the unit seemed to have been hastily thrown together. The people who were running the unit, especially the NCO's, were volunteers, and he selected these particular NCO's as being the best of the lot who volunteered. Both of them had been out of the service and had recently rejoined. The instruction wasn't really very thorough.

Q. That was with the long range patrol detachment, the 70th, I think you referred to?

A. That's right.

Q. And you wouldn't, therefore, have been familiar with the training that went on within the rifle companies or the other companies?

A. No, we were separate units.

Q. Did you receive any training in this regard when you moved and joined the Headquarters and Headquarters Company back in Hawaii?

A. I did not join Headquarters and Headquarters Company in Hawaii. I stayed with the 70th throughout shipment and up to about a week after we arrived in country in Viet Nam. There were only about six or seven of us enlisted men that stayed with the unit when it was disbanded. Everyone else was reassigned. The majority of them or the largest group that went

to a single unit went to C/1/20. The others were split up. We only had 33 or 34 enlisted men in the 70th Infantry Detachment.

Q. So, you were disestablished about a week after you arrived in country as far as the 70th was concerned?

A. I was. Yes, that's right.

Q. Now, do you recall the training you received and the indoctrination which you received when you arrived at Duc Pho?

A. I didn't receive any. The only training I received was in the aviation section, and, of course, we were in the air and we didn't have training as far as the treatment of prisoners was concerned. We had training on how to shoot straight and how to identify and distinguish civilians from combatants. We learned what to look for, how to defend ourselves, and how to protect the ship while we were in flight.

Q. Do you know whether that aviation detachment took its' helicopters with it or whether it picked up its' helicopters in country?

A. They brought the 23's from Hawaii. I know they received the Hueys after they arrived in country. They received them after I arrived in the unit.

Q. I have here some cards which have been entered into the record as exhibits. The first one is called, "Nine Rules", which has been entered as Exhibit M-2. This is the card, and here are printouts of it. You might look at this card and see if you were issued such a card when you arrived or shortly thereafter (handing the witness Exhibit M-2)?

A. I have seen the card. I did receive one while I was in Vietnam. I don't believe that I received one very shortly after my arrival. I can't state that with certainty, but to the best of my recollection, I did not receive a card like that shortly after my arrival. I don't recall seeing one until I had been in country for some time; how long, I can't say.

Q. I have another one which has been entered into the

record as Exhibit M-3 and this is entitled, "Enemy In Your Hands." I would ask if you saw this card or had a copy of it issued to you or whether you know if other individuals in the brigade received such copies?

A. I've seen this one, but I don't ever recall being actually given one or having given one for my personal possession.

Q. Do you remember reading the five points on the reverse side?

A. No.

Q. Before I go on to the middle of March, do you have any questions Mr. MACCRATE?

MR MACCRATE: Mr. RIDENHOUR, I would be interested in knowing whether, in the period you were in Hawaii or upon arrival in country, if there was any attention given in any of your training to the Vietnamese: who they were, anything about the special customs; circumstances that would be faced in the country; the peculiar conditions under which you would be fighting; the problems sometimes referred to as "hearts and minds"; how much in winning "heart and minds" in the operations there. How much of this came through to you either in Hawaii or in country?

A. The training that I received and all the training that I heard about, not heard about, but the training that I experienced and that the people that were with me, I assume they experienced it also, dealt with surviving as a military man in a foreign country. The customs of the people were dealt with as far as what their villages were like; what you might expect to encounter in the way of armed resistance in those villages. Other than that, I don't recall receiving any information of any type or any training as to the differences between their society and ours or what our specific military purpose was there other than to survive. I personally had taken an interest in it and had done some reading on my own, quite a bit of reading as a matter of fact. Not very many of the other people in the 70th Infantry Detachment, to my knowledge, had.

IO: Well, I can well understand the problems of trying to get a long range patrol or a group of specialists all trained

and so forth, and, very frankly, I can understand the emphasis upon operational techniques and this, that, and the other, because, very frankly, this is one of the things that I have a great belief in, and I would be sure that General LIPSCOMB, who I think was the brigade commander at the time, was probably also putting a lot of pressure on getting these people trained to be able to survive in that particular kind of environment. Now, recognizing the training which you had received and we have gone over somewhat here, in your capacity initially as a doorgunner and subsequently in long range patrol, did you personally have any problems living within that guidance?

A. Living within--

Q. (Interposing) Using that, did you have any problem knowing the individuals that were to be taken under fire and so on. Did you have any problem, for example, in trying to determine whether you were to shoot women or children or anything of this nature?

A. My personal policy was and the policy of the aviation section was to shoot at people that shot at you, or if they were carrying weapons and shot at you, or if they evaded and continued to evade after numerous attempts to get them to surrender or to show themselves, then we shot at them. I don't recall ever shooting at anybody or ever seeing anybody shot at from our planes, from our helicopters, who didn't have a weapon, who hadn't been given many, many chances to surrender.

Q. So they were pretty tight on that, then, in making sure--

A. (Interposing) They were in this particular unit.

Q. Now, prior to your departure or subsequent to your arrival in Vietnam, do you recall any discussions by the brigade commander, General LIPSCOMB, talking to the people about treatment of civilians, noncombatants, and so forth trying to actually befriend the population in order to try to get them on our side, rather than trying to make enemies out of them?

A. I don't recall any such instructions. To my recollection, that was definitely not the attitude that prevailed

in the 11th Infantry Brigade.

Q. I wish you would explain that a little bit? This is somewhat important to me.

A. An illustration: one day we were out on patrol with the aviation section with the 23's, and we were called in to support an infantry company. They had seen some people, and people were apparently sniping at them and continuing to evade. So we went over there and we flew over and gave them support. We didn't find anybody, and we circled around and flew overhead for about 20 minutes and then we landed. My helicopter landed while the other chopper flew overhead and covered us. I got out and followed our pilot over to the company command group. I personally knew the company commander, and I spoke to him and said, "Hello, sir. What are you doing?" He said, "Killing 'dinks.'" This is the type of attitude that prevailed.

Q. What did he mean by "killing 'dinks'"?

A. He meant killing 'dinks.' He meant killing Vietnamese. "What are you doing, sir? What are you up to?" "We are out killing 'dinks.'"

Q. Was he referring to killing VC or just killing Vietnamese?

A. I didn't specifically question him to that extent. What he said was "killing 'dinks.'" Whenever you're a private you don't question a captain.

Q. Your personal interpretation, though, was that they were just out killing Vietnamese? A "dink", I don't think there is an accurate definition of it. I know some people use it in terms of a VC. A VC is a "dink."

A. That's right, a VC is a "dink" or a "gook" to some people, but at least from my realm of experience, very rapidly after a man's arrival in Vietnam, the term soon encompasses all Vietnamese.

Q. I think it's a very unfortunate term to us. As a matter of fact, I will be very frank with you. It wasn't until

I joined this investigation or was assigned to this investigation that I really realized that people used the term "dinks." because in First Field Force we had not used it.

A. It was used extensively by officers, enlisted men, all the Americans that I came into contact with throughout my tour of duty in Vietnam.

Q. Do you recall General KOSTER, the division commander, welcoming the 11th Brigade in country?

A. If he did, I wasn't present.

Q. Do you recall any discussion by the staff judge advocate concerning legal matters and also concerning the handling and treatment of civilians and the reporting of incidents and things of this particular category?

A. If there was any such discussion, I didn't hear it nor did I hear of it.

MR WEST: Mr. RIDENHOUR, I think you are aware that some of the men of Charlie Company who were in the place that's come to be known as My Lai (4) on 16 March stated publicly, such as MEADLO, BERNHARDT, and SIMPSON, that they did what they did there pursuant to orders and were carrying out orders as far as they understood it. Do you recall in your training receiving instructions about the importance of obeying orders and that also it was not necessary to obey an illegal order?

A. I remember very vaguely when I went through basic training--your first week of basic training they refer to as zero week, and throughout zero week, you know, you get your hair chopped off, and you're issued uniforms, and you take a battery of tests, and they give you some basic instruction on marching, and they give you a few basic classes. It was either at the end of zero week or at the very beginning of my first week in basic training that I received a class on the universal (sic) code of military justice, and to the best of my recollection, they brought that point up again at that class. That was the only time that I heard of it officially. It was brought up in discussion while I was in basic training because there was an article in the Stars and Stripes about a sergeant in the Marine

Corps who was in Vietnam at that time who had been charged and convicted of murdering a Vietnamese civilian or two Vietnamese civilians at the orders of his company commander or platoon leader. He was convicted of the murder, and apparently, the platoon leader or whoever it was that gave him the order or that he maintained gave him the order was given a slap on the wrist or something of that sort. Because this was in the paper, there was a discussion in my platoon about it.

Q. In the training that you received on this point, were there any examples given?

A. I can't honestly recall.

Q. We've asked quite a number of witnesses about this. Several have stated that they thought the training should be more specific on this point. I just wanted to ask your feeling on this. It is a difficult choice for a man in combat who receives what he conceives to be an illegal order. What is he to do? Many witnesses have told us they didn't know what to do. As you recall, this was touched on only briefly, perhaps in the first week of your basic training?

A. That's right.

Q. Any subsequent instruction on this point?

A. Not that I recall. When I left Fort Benning, I went through basic training and then advanced infantry training, and then I went to jump school for parachute training at Fort Benning. I was 3 weeks in parachute training at Fort Benning, and I was 3 more weeks in a holding company because I had to wait for the next class that was being held at Fort Benning. It was a preparatory class to prepare people to go to Vietnam. It was about 4 days of training and indoctrination on Vietnam and Vietnamese villages, the type of resistance, booby traps, treatment of prisoners, et cetera. Treatment of prisoners was touched on briefly, but very briefly. In my opinion, it wasn't adequate.

Q. Do you recall instruction on the treatment of non-combatants, recognizing that this is a difficult problem in Vietnam, to determine who is a noncombatant and who isn't?

A. The only discussion that I can recall about noncombatants was the difficulty in distinguishing combatants from noncombatants and the problem of having to be aware at all times of the people who are around you, because many times the people that appear to be civilians are not civilians, et cetera.

Q. Do you recall in your instruction any discussion of war crimes; the so-called conventional war crimes or the mistreatment of noncombatants?

A. Not as committed by American troops. Of course, there was a great deal of talk about the bad things the VC would do to you if they caught you, especially when I arrived in long range patrol and also when I arrived in the aviation section. It appeared at that time that just before I arrived in this aviation section a helicopter had been shot down, or a couple of weeks before I arrived, and one of the pilots had been tortured pretty badly.

Q. Was this before Tet?

A. Yes. This would have been like in the middle of December of 1967.

Q. We have asked some witnesses if they understood what a war crime was, and some of these witnesses were not at all clear on the point. I wondered if you could recall anything in your training which consisted of examples of what the so called conventional war crimes would be?

A. I can't recall, sir.

COL FRANKLIN: One question, Mr. RIDENHOUR. Could you give some more examples of why you think the way you do about the 11th Brigade's attitudes toward the Vietnamese people?

A. Specifically, my closest friend, while I was in the aviation section, was the doorgunner for General LIPSCOMB's Charlie-Charlie, his command and control helicopter, and he used to come back day after day from flying with the general and repeat stories to me of how General LIPSCOMB had referred to the Vietnamese as "dinks" and "gooks" and how he had been very callous in his command direction of his troops in the villages,

especially as far as having almost utter disregard for the crops and homes of the Vietnamese villagers. If he received fire of any kind, not the general, but his troops, if he received fire from a village or near a village, the village was treated rather roughly.

Q. Do you recall any specific examples? Explain what you mean by "roughly."

A. Not having been there, the only thing that I can tell you is--this sticks in my mind pretty strongly--is a direct quote that this young man told me or that he repeated to me that he told me was a direct quote from the general over the radio. They're all hooked in on the radio system. Somebody called up and said we received a couple of rounds of sniper fire from a village, and he said, "Burn it. Wipe them out." This is a direct quote from him. It's secondhand, and, therefore, you have to judge it with a grain of salt, but the thing that sticks firmly in my mind is that he came back with stories of this sort so often, and then I knew the guy very well, and he is not a bull shitter.

MR WEST: Could you give us his name?

A. His name is Terry HUXFORD.

Q. How do you spell his last name?

A. H-U-X-F-O-R-D.

Q. He would have been in the aviation detachment?

A. That's right.

IO: How long had he been associated with General LIPSCOMB? Do you know?

A. He and I were in the 70th Infantry Detachment together, and we were transferred to the aviation section together.

MR WEST: Do I understand that HUXFORD was the RTO for General LIPSCOMB?

A. No, no. He was the doorgunner in the Charlie-Charlie.

IO: I don't know of that doorgunner, frankly. Can he always listen to the conversation going out when you are on a brigade push?

A. If the ship's radio system is connected.

Q. That's just a straight intercom, but to my knowledge the doorgunner cannot listen to anything other than the intercom. He does not have the facility to tune in on the frequencies like the brigade push or the battalion push, for example, which were changing all the time?

A. I don't know how the radio setup was hooked up or whatever, but the 23's that I flew on, at least, we heard all the transmissions.

Q. HUXFORD was not flying on a 23. He was flying on a Huey C & C?

A. Yes.

Q. I know my doorgunner didn't listen to me, because he couldn't get on those pushes. All he could go on was intercom. This isn't to say that one way or another he might have picked up something like that too, you know.

A. Like I said, it is secondhand so you have to take it with a grain of salt.

Q. Let's come down to Task Force Barker itself. You, undoubtedly were familiar with the organization of this task force and when it was organized?

A. I wasn't, no. I became aware that Task Force Barker existed when our 23's were called up north to give them support a couple of times.

Q. Did you know that your friends, for example, who had transferred from the 70th had gone to C/1/20, that they had gone to a new organization?

A. You mean when the task force was formed? No I wasn't.

Q. This isn't really completely germane, but the fact is, the task force consisted of the three companies: A/3/1, B/4/3, and C/1/20. In your flying and so forth, you undoubtedly, if you went up and gave support there, were aware that Task Force Barker was operating in this general area north of Quang Ngai City and east of Highway 1?

A. Yes. Let me clarify that. I was aware that they operated off of LZ Dottie and occasionally off of LZ Uptight. Specifically, where they operated, where they regularly operated, I wasn't--

Q. (Interposing) Well, you were generally aware. In your position as a doorgunner at that time, quite logically, you shouldn't know an awful lot of the details, other than just in passing as an individual would who keeps his eyes and ears open so to speak. Now, when did you first hear of the operations of Task Force Barker into this area east northeast of Quang Ngai City; that which is now referred to as My Lai, which is a misnomer, very frankly. I think the people used to refer to it as Pinkville. It's actually Son My Village. When did you first hear of this operation, and how did you hear of it?

A. I didn't hear of the operation. We flew up there to give them support, and this was early in March. Specifically when, I can't say; it was early in March. I believe the first day we went up there to support them they were operating in My Lai (1), Pinkville (pointing to Exhibit MAP-1). They were operating right in here. It was not partially destroyed; it was almost utterly destroyed at the time. I mean the houses were a shambles and the people were--you are familiar with it. You know how they just throw houses together over the ruins, just about (pointing in the area of coordinates 735815).

Q. Hootches is how they refer to them?

A. That's right. A lot of them were just lean-to's. They weren't even hootches; they were just lean-to's. Right along here, along this waterway, about every 30 meters there were defensive bunkers built and these were defensive bunkers. They weren't protective bunkers, they were defensive bunkers.

They were operating in there. They received a little bit of resistance, not very much, the day that I flew overhead. They located and blew a few tunnel complexes.

Q. You indicated that this was early in March.

A. I don't know if it was early March or late in February or what, but it was before My Lai (4).

Q. We would place that operation actually early in February, that particular one. There was a subsequent operation in the latter part of February, actually on the 23rd of February, which went into the area, which generally speaking we refer to now as My Lai (4) and had a company that got pretty well pinned down, and they had to extract them with APC's. Now, you may remember--

A. (Interposing) Let me ask you a question. Did the VC or NVA have 5.57 rocket launchers and were they believed to have a mortar position on that hill that overlooks--

Q. (Interposing) Hill 85 to the south. Yes. That day they were using quite a few automatic weapons in terms of automatic rifles and machineguns, RPG-7's were included, the B-40, and there were also the mortars.

A. We flew combat support for that unit that day, and whether or not we actually did, I don't know, but we were credited with knocking out a mortar position on top of that hill. It looked like an abandoned Korean defensive position on top of the hill.

Q. If you look on the map (Exhibit MAP-1.) It's the hill just south of Highway 521 there, Hill 85?

A. That's right.

Q. Some people call it Elephant Mountain?

A. Right. Right about or above the two L's there, I believe, is where that was located, and they were dropping mortars down on these people somewhere along the highway.

Q. Do you recall seeing APC's down there that day?

A. Yes, there were. They had a whole bunch of them.

Q. So, the next operation, and this is the one that we are focusing on, is the operation of the 16th into this area. At some point of time you started hearing about this and talking to people and so forth. Can you, then, back up and start right at the beginning for me and just run through--

A. (Interposing) When I first heard of the incident?

Q. Yes. And who told you and what he told you, if you will, and go down the list of people chronologically, if at all possible, and when you get through we'll have some questions to ask you.

A. I was transferred from the aviation section, as I said, around the 20th or the 21st of April, and I spent approximately 10 days at Headquarters and Headquarters Company. Sometime during this 10-day period I ran into a man I knew as Butch GRUVER. I believe his name is Charles GRUVER. We had served in the 70th Infantry Detachment together, and we weren't really old buddies, but we were pretty good acquaintances. He had just recently joined Long Range Patrol, 51st Infantry Company, and he was down there at Duc Pho on a mission. They were getting ready to go out the next day on a long range patrol mission, and we sat down together and just started shooting the breeze and just asking questions about what have you been doing, what units you've been in, what are they like, et cetera. Sometime during the course of this conversation he said, "Wow. Did you hear what we did at Pinkville?" I said, "No. What's Pinkville?" The story just came out. He said, "Wow. We just went in there and killed all those civilians. Killed everybody in the village." You can't take this as a direct quote, because I can't remember specifically what he said, but the general drift of the story was this way as he told it. He was really sort of, "Wow, how could we go in there and do something like that?" I didn't believe what he was telling me. I really didn't believe that they had done something like this. He told me of seeing the captain's RTO shoot down a boy who was 3, 4, or 5 years old; a very young boy who was standing by the trail who was wounded and just sort of in shock and didn't know what was going on. He said the captain's RTO just looked at him and blew him away. He also said that he had looked around and seen a man shoot himself in the foot. I can't recall if he said the guy had done it to get out of the area and to get out of the

responsibility of having to either obey or disobey, to get out of the situation where he would have to be confronted by his officers. It was GRUVER's opinion that the guy had done it purposely. He told me that that particular day, he was carrying an M-79 grenade launcher, and they didn't have any canister rounds. Therefore, he couldn't fire that; he had a .45, but he didn't use it; and that he popped off some long rounds at people running, but that was it. That's what he told me. On the 1st of May I joined E Company, 51st Infantry, Long Range Patrol, at Chu Lai. With that company in Chu Lai were Michael TERRY, Bill DOHERTY, Henry PEDRICK. I didn't speak to PEDRICK very much because I didn't know him that well. He is really a quiet kid, and he just went his own way and did what he was told and just didn't give anybody any trouble. I mean he just wasn't the typical GI who bitches about everything. He just did what was expected of him and shut up. He did his job and went to bed and nobody heard very much from him. TERRY and I had been very good friends. We had been in the same company in basic training for a week, and then I was transferred to another company. They had decided that the sizes of the companies in the battalion were too big, and they broke them all down to make a fifth company. I was one of the people who went to make that fifth company. We still kept in touch and saw each other all the way through basic training. We went through AIT together. We were in LPC together. We were in the same--

Q. (Interposing) Would you explain what "LPC" is for the record?

A. Leadership Preparation Course. It's a course that they use to train student cadre for advanced individual training. My advanced individual training happened to be infantry. The people who go through the LPC courses, it's a 2-week course, come out of LPC and you are assigned to your training company. They take the LPC personnel and make them into the student platoon leaders and squad leaders. We were in different companies in AIT and, still, we kept in touch. We went to jump school together. We were in different companies in jump school. We kept in touch in jump school and after we completed jump school, we were reassigned to this holding company. We were both reassigned at the same period of time and we became very good friends. We used to spend all of our time off duty together. We were buddies, you know, went to the movies together and went down to the enlisted men's club together, and we had a lot of

long discussions about religion, government, and things of this sort because TERRY is a very religious boy. He is a strict Mormon and he didn't swear, he didn't lie, he didn't cheat, he didn't tell bad stories, and he didn't chase wild women simply because he felt it was immoral. I personally am not a religious man. Consequently, we had many long discussions about religion, about what he believed in, and about what I believed in. We talked back and forth. We went on leave, and we were both reassigned to the 70th Infantry Detachment in Hawaii in Schofield Barracks where our friendship continued and grew, and we became really good friends. I mean the guy was like a brother to me. At least I felt that we were that close. He was reassigned to C/1/20 and I saw him maybe once or twice during that period of time while he was in Charlie Company when they were on stand down in Duc Pho, and he would come over. When I arrived in E Company, 51st Infantry, the first thing I did was look him up. He wasn't there when I first arrived. He was at Recondo School in Nha Trang, Special Forces Long Range Patrol Training School. I think he didn't get back until a week after I arrived. We talked about it vaguely or just brushed on the thing, because he wasn't very willing to bring it up or very willing to talk about it. Whenever I brought it up, he sort of shied away from it, so I didn't push the guy. I didn't want to whip him with it. After my orders officially came, assigning me to the unit, we went on a long range patrol mission. It was near a brigade that was operating out of the north there at Tam Ky. We set up on a hill there for 3 days and watched or monitored a trail, watched NVA soldiers walking down this trail. While we were off the OP position--I mean we had six men, and we went in shifts of two apiece. Whenever he and I weren't on the OP position, we had a book with us, and it was the Passover Plot. It is a book by the man who puts forth the theory that Jesus wasn't the messiah and that Jesus was building a myth, that he was purposefully out to do this, purposefully out to create a religion. He would read a chapter, and I would read a chapter, and then we would argue about it and discuss it. We spent 3 days out there doing that, and I didn't question him then. We were extracted and we stayed on the base camp, the forward operating base camp overnight. We slept that night out on top of a bunker close to the perimeter and before we went to sleep we talked about 3 hours about Pinkville. He told me basically the same general story that GRUVER had told me: that the company had gone in there and had wiped out the village; that they had killed everybody in it that they could find, as far as they knew. He wasn't in Lieutenant CALLEY's

platoon. He was in another platoon, the second or third platoon in the village. Therefore, he said that he had heard stories about Lieutenant CALLEY, that GRUVER had said that he had heard stories about Lieutenant CALLEY, but he hadn't seen anything that Lieutenant CALLEY had actually done. He hadn't actually seen Lieutenant CALLEY in the process of committing any of these acts that were attributed to him. TERRY said that about noon, not noon, but whenever they sat down for chow, when they started to take their chow break, he and DOHERTY were in the same squad--he and DOHERTY sat down together and they started to get out their chow, and close by them there was a pile of bodies in a heap. Specifically, how he described it, I can't say. Whether there was a pile or a bunch or a group of bodies close to them in a ditch or some type of shallow excavation. All the people who were in this pile and had been shot weren't dead, and the people who were wounded groaned and their arms flopped and they kicked and things, and he said that these people were doing this. He didn't say why he got up and went over there. He just said that he and DOHERTY had set their food down and got up and went over there by these people. He said they were very obviously not going to get any medical treatment and so they killed them, they finished them off. He just said, "I guess we sort of finished them off." We talked and talked and talked about it. We talked about, you know, "Couldn't you see that there was anything wrong with that, Mike," and he just said, "I don't know," and that's all I could get out of him. When TERRY told me that story, I had to believe that there had been a massacre in that village. I had to believe that there had been a massacre in that village because TERRY was not one to fabricate. I would have thought, before he told me that story, that before he would do something like that, I would.

Q. Well, after you talked to TERRY there, did you continue your discussion with DOHERTY at some later time?

A. Yes. Billy was on a patrol with us. He was on a mission with us. He and I had discussed it vaguely, just sort of brushed over it. I never really sat down with Billy and talked about it for 10 or 15 minutes. I asked him about what TERRY had said, and he just said, "That's what happened. That's what we did." The general story about what the company and what the platoons had done, going into the village and wiped

it out, was the same. I can't really give a specific differentiation between TERRY's story and DOHERTY's story because they were together, and they were almost identically the same.

Q. What other individuals did you talk to?

A. I talked to Henry PEDRICK just very, very briefly and about the only thing he would say was, "Yeah, it was terrible," and he just avoided discussing this, somehow. That's about all that was involved in his discussion with me. The next time I heard about it from someone who had actually been there--

Q. (Interposing) The three people that you had run across in the 51st, TERRY--

A. (Interposing) GRUVER, too. GRUVER was in the company, too. I talked to him before.

Q. I see. So there are actually four of them in the 51st?

A. That's all I can recall.

Q. Go ahead then?

MR WEST: Could you fix a time on this when you had your long discussion with TERRY?

A. My orders arrived on the 15th. We went out on the mission 2 or 3 days after that, or maybe 4 days or something. We were out in the field for 4 days, and came back, so that would place it, I would estimate, someplace between the 21st and the 25th of May. To my best recollection, the next person I talked to who had specific knowledge of the incident was Sergeant Larry, or Lawrence, LACROIX. He had been in E Company--not E Company, but 70th Infantry Detachment also, and he had actually been in CALLEY's platoon. I think he had to have been in CALLEY's platoon. He told me that he personally saw CALLEY, Lieutenant CALLEY, take three separate groups of individuals, round them up into groups, and then the first group, according to LACROIX, he ordered shot down by TORRES, PFC TORRES. I don't know his first name. According to LACROIX, TORRES had set up an M-60 machinegun and had commenced firing

on the group, but before they were all down, he quit and said, "No, you're crazy, man. I'm not doing this." CALLEY ordered him to and ordered him to and ordered him to and TORRES refused and refused and refused. How long this went on, I don't know. He said that after it became evident to CALLEY that TORRES was not going to recommence firing, CALLEY took over the weapon himself and finished the job. According to LACROIX, this was on the first group, and on the next two groups he brought out, LACROIX said that CALLEY didn't bother to ask anybody else to man the weapon. He manned the weapon himself and opened fire on the groups. LACROIX couldn't set a specific number on the individuals who were in the groups. He estimated that there were three groups and that there were roughly 20, roughly 30, and roughly 40 people in the groups. He didn't say what order they came in or what. He said that they were all ages and sexes.

IO: Did you speak with anyone else after you talked to LACROIX?

A. Yes. In late October or the middle of October or someplace around the 1st of October to the 15th of October, I would estimate it approximately, I was assigned a long range patrol mission that was to operate from LZ Dottie in the same area. I arrived there with my team, and Charlie Company was back on LZ Dottie at that time. I ran across TORRES, and he referred to it briefly. They were sitting around talking just about combat and just the things that happened to him, and TORRES kind of laughed or giggled or something and referred to "all them people we killed at Pinkville." That's the only thing he said. Oh, a kid named GARFOLO, Gary GARFOLO, joined E Company, 51st Infantry. When he joined I don't know. I would say it was around August. He had been in Charlie Company at the time, and he was moved into our bootch that we were living in in Chu Lai. Whenever I was sent down to Duc Pho to work under the operational control of the 11th Brigade to run LRRP missions off of Duc Pho, he was sent down with me. He was on my team for a couple missions. He referred to it a couple of times. Specifically, what he said, I can't recall, but it was the same general story: that they had wiped out the village; that they had massacred all of these people. To my knowledge, I can't recall what part he took in it or what part he said he took in it or whether or not he took any part in it. The only thing that I can recall is that he did refer to the incident. The next time I talked to somebody, the last time I talked to somebody while I was in

Vietnam, about Pinkville and about what happened there was the last week or possibly the last 10 day that I was in Vietnam. PFC Mike BERNHARDT was in the Second Surgical Hospital, I believe at Chu Lai, and he had been a very good friend of a friend of mine, and he had been an acquaintance of mine also. This friend of mine, Pat TOUHY went to see him in the hospital and I went with him. Pat left to go someplace. Pat left early. He went to eat or something, and I stayed there with Mike, and we were talking. During the course of our conversation, I asked him about Pinkville. He told me the same story. He told me that he had refused to take any part in it and that he thought it was a rotten damn deal and that something should be done about it. I told him that's the way I felt about it, that something should be done and that I was going to attempt somehow, to initiate some type of action, at least an investigation. I asked him that if an investigation was initiated, would he tell the investigators the same story that he told me and would he tell them all the details, everything he knew, and he said he would. Shortly after that, I returned to the United States. I was separated from the Army, and I went home. After a lot of thinking about it, trying to decide how to go about getting an investigation started, after many discussions with friends of mine, people that I thought would know how to go about something of this sort, finally I decided to write a long, definitive letter of what I knew as I knew it, and finally that's what I did. I had copies made, and I mailed copies.

Q. Well, we'll come back to that if we may in a little while.

We are looking into the investigation, or I should say we are investigating the inquiries into the My Lai incident. We are looking into the sufficiency of the reviews of the inquiries or the investigation and whether or not there had been any attempt to suppress or cover up the incident, and we are going into this in the absolute, utmost detail. One of the things that we have to do before we can really evaluate the sufficiency of the investigation is to reconstruct, to the best of our ability, what actually transpired, and as far as My Lai (4) is concerned, we pretty much know the details of this. There may be a little bit here and there, but one of the key questions in my mind which we are looking into is why did this happen? Now, you have talked to these people: to GRUVER and to your very dear friend TERRY and LACROIX and

TORRES and GARFOLO and these others. Did any of them talk to you in terms of why this happened? Why did this incident occur at My Lai?

A. It was the opinion of the people that I talked to that they were acting under orders; the orders came down from an upper echelon of command, that the orders did not originate with Captain MEDINA, that Captain MEDINA received orders that he transmitted to his company.

Q. Did they talk in terms of anything else as far as the situation and environment that they were going into; whether they had expected that they would run into some really strong resistance that morning when they went in?

A. The night before they went out, there was a company meeting. Captain MEDINA gathered everybody together. This comes from, specifically TERRY and BERNHARDT. Captain MEDINA gathered the company together and spoke. Apparently, on the night before, a man had been killed and a couple of others wounded by a booby trap, a 155, I think TERRY said, that had been booby trapped, and they were fooling around with it and it went off. Captain MEDINA gathered these people together and told them--exactly what he told them, I don't know the conversation. The gist of the conversation as I received it from TERRY and BERNHARDT was that tomorrow morning you'll get your chance to make up for these things: for the people we've lost and the people that have been wounded; for the minefield that we walked through.

Q. They did mention the fact, then, that about a week before they had gotten caught in a minefield where about 17 or 18 had been either killed or wounded?

A. TERRY and DOHERTY were recommended for the Silver Star for that action and they described that. Mines, even if they don't kill people, make messy, messy, ugly, bloody wounds.

Q. As you look back now, on these individuals that you talked to, what impression did they give you concerning the enemy that they were going to encounter when they landed?

A. They didn't give me any impression about the enemy that they were going to encounter. They made no reference to going in and expecting to meet a heavy resistance. They only

said they were going back into Pinkville. They said they had been into Pinkville before and that they had met heavy resistance there before. They didn't say they expected resistance again. They just said they were told they were going in and they were going to get their chance for revenge.

Q. Did any of these individuals that you talked to refer to having received instruction to destroy the place, to burn the buildings, or did they indicated whether they, in fact, did burn the buildings and destroy the crops and kill the animals?

A. You get different stories from different people. People that in my impression were not quite as sharp as some of the others had the idea that they had been told to go in and kill everything and everybody. The other people, especially BERNHARDT, who was very bitter about it, and TERRY, said that that isn't the order they received from Captain MEDINA. The order that they received was to go in and something like, "Destroy the village and everything in it," or some word that was very ambiguous. Not very ambiguous, but could have easily had a double meaning, considering the condition that these men were in considering the pep talk the night before. If the order was to go in and destroy the village and everything in it, it is difficult to see how it could be interpreted differently or how a man could expect it to be interpreted differently.

Q. Did they discuss any of the operation on the subsequent days after they left, let's say, My Lai (4)? Did they talk in terms of whether they continued to kill people or what.

A. That was very vague and not mentioned specifically. As the story came to me, they were sweeping through a series of villages and hamlets and that by noon or by 1 o'clock, or whatever, they had gone through about three or maybe four and that the same process had been followed in each subsequent village. Of course, as they got to each village people were moving out ahead of them. They said around noon, as I recall, Captain MEDINA received some instructions over the radio, and he went tearing madly about the company telling everybody to cease fire and not kill anybody else.

Q. That's helpful. Now, did any of these people talk to you at all in terms of having been told not to tell people about this or not to talk about this?

A. BERNHARDT, very specifically.

Q. What did he say?

A. He said that that night, the night of March the 16th-- I didn't know at that time that the date was March 16th--but he said that that night of the day of the operation when the village was massacred, the village was wiped out, that night at about 4 o'clock when they had set up a bivouac--

Q. (Interposing) A night defensive position?

A. A night defensive position, right. Captain MEDINA had approached BERNHARDT. Captain MEDINA sought BERNHARDT out. BERNHARDT was very specific about this. He said that MEDINA sought him out and took him aside and said something to the extent, "Don't write your Congressman. Don't complain and don't bitch," because BERNHARDT was one of the few people in the company who would stand up and say, "You guys are wrong." He had done it before, and he was trying very desperately all of this time to get transferred into the long range patrol, and he felt that they were destroying his 1049's. A 1049 is a request for transfer. He felt that his 1049's were never getting past the first sergeant's desk. He requested transfer several times, and he had written his Congressman concerning that and, as I recall, either that or--he had applied to warrant officer school in the flight training program. It got screwed up in the works somehow, and he had, apparently, asked several times through channels for at least information of what had happened to the papers that started through, and getting no response, he finally wrote his Congressman. Apparently, he was just, in general, a guy who was following the dictates of his conscience and was questioning at various times the officers and NCO's. MEDINA sought him out that evening, from what he said, and told him not to write his Congressman and not to raise any bitch about it. BERNHARDT said he told MEDINA, "I didn't say anything like that." The impression that I got from BERNHARDT was that there was a heavy air of threat in the conversation.

Q. But from none of the individuals did you ever hear anything to the effect that they were told, "Well, let's not talk about this matter because it is going to be investigated"?

A. TERRY and DOHERTY, I believe DOHERTY. TERRY and BERNHARDT sure talked about the next night after that, which would have been the evening of the 17th. I think they were back at Dottie. The company was gathered together, and I'm not sure if it was on the night of the 16th or the night of the 17th that this was reported to have happened. The company was gathered together and told not to discuss it among themselves and that this was going to be investigated, et cetera. I believe it was the night of the 17th when Colonel HENDERSON landed at Dottie and the company gathered together, and he came out and spoke to the company as a group and asked if there had been a massacre or something to that effect, or was there promiscuous firing or whatever as a group, and if any man knew of anything such as that, would he please step forward? Well, here is one man out of a hundred who is going to step forward and say, "I saw him and him and him murder civilians," and he's got how many months to serve with these people? I think that it was significant that Captain MEDINA made a point to send BERNHARDT on a detail, at least according to BERNHARDT, when Colonel HENDERSON landed. Captain MEDINA made a point to send BERNHARDT on a detail so that he wouldn't be with the company while Colonel HENDERSON was giving this address to the company.

Q. I think that we know pretty much the story about the company being cautioned not to talk because this matter was going to be investigated. Actually, this company stayed in the field for 3 days, so this would bring us down to the 18th instead of the 17th, and this is the time that most of this took place. It is our understanding, for your information, that the entire company was not assembled, but a large group of them had come back in a hook, a CH-47, and it's these men that were talked to by Colonel HENDERSON, so it wasn't the company, but basically, what you are saying, it was a large group of people. Was there any mention by anybody that you talked to of some activities which may have been conducted by B/4/3?

A. I didn't hear anything about B/4/3 or A/3/1. The only thing that I heard about them was that they were set up in blocking positions around the village some place. It was

a loose blocking formation, from the information that I got, and that they were set up there to intercept anybody who might flee the village, and they were set up this way, and the company came in this way (gesturing).

Q. Well, this is certainly true of A/3/1, but it isn't true of Bravo Company. They were in a different position. One thing, this has to do with TERRY, who is a very religious individual. I know Mormons, and I know them very well. As a matter of fact, I would add to all the things that he didn't do: he probably didn't drink coffee either, so I am well familiar with the Mormons and the type of individuals they are. The thing that I have difficulty in understanding is, to have that background and that philosophy of life, as to why TERRY did not want to take this to, let's say, the division IG, to the staff judge advocate, to the division commander to see that something like this might be properly investigated?

A. I think one reason which is obvious to me is that he was implicated. He admitted to me that he had shot some civilians that were wounded. I don't know. That's a question that I will ask myself the rest of my life. How could he even be involved in something like this, much less fail to report it?

Q. Subsequently now, the last individual that you talked to before leaving country was BERNHARDT, and I think you've outlined BERNHARDT quite well, as we would understand him: the fact that he had written to his Congressman about more than a few things. But at the same time, BERNHARDT knew his way around the Army. Why didn't he seek audience with the inspector general or with proper authorities to insure that this thing would be looked into?

A. I think one point is that he was having a lot of trouble getting out of the field. Another point is that it was investigated to a point. Nothing was done, and everyone in Charlie Company knew it. Another point is that BERNHARDT was scared to death. He was as paranoid an individual as I ever saw over there. He wasn't worried about the VC. He was worried about his buddies, the people that he had been with in Pinkville that day.

Q. Worried about them in what sense? Would you clarify that?

A. Worried about them in the sense that he was afraid that if he took any action to initiate an investigation and they found out about it, he would never get out of the field alive.

Q. He was out of the field at the time that you talked to him, though, wasn't he? He was in the hospital at Chu Lai, as I recall your previous testimony.

A. He felt that since there was an investigation and that the investigation was whitewashed and that there were no results of the investigation, that there was a conspiracy within the Army and within the division, specifically, within the brigade, to make sure that what happened there never came to public light or was never investigated. This is my opinion from what he said. This is how I surmised that he felt. He felt that if he went to division, went to the IG, or went to anybody, that it would get back to his company, and it wouldn't take long; and that if he was going to get out of Vietnam alive, the best thing he could do was to play dumb, just keep his mouth shut until he got out.

Q. Well, he was in about the same fix that you were in, wasn't he? Wasn't he about to leave country with his time being up in country?

A. At that particular time, yes. The story about how he got out of the field: he had jungle rot on his feet and legs so bad, he told me, he could hardly walk when he left the field. He said that his company commander would not give him permission to get on a medevac. He said he could not even get out of the field. He said that a supply ship came in, sat down for resupply, and just before it took off he ran and jumped on the damn thing. He just ran and leaped on as it was taking off. He got on, and when he got into base camp, he went to the medics and they sent him to the hospital. But he didn't even leave his company with permission.

MR MACCRATE: Did you have any comparable friends or acquaintances in B/4/3?

A. I can't recall if I even knew anybody in B/4/3.

Q. Had you ever gotten any feedback from anyone there?

A. Was there a man named ALAPAI in B/4/3 at any time? Do you know that? He was a sergeant, an E-6. ALAPAI?

Q. I don't think so.

A. Was he in A/3/1?

Q. I don't think so.

A. I got some feedback, before I ever heard of Pinkville, of anything happening in Pinkville, although I had no idea what size, that ALAPAI told Sergeant COLEMAN whenever he came to visit us at Primo, 11th Brigade Aviation. He was either in Alpha or B/3/1, and it was an incident that happened within a couple of months after our arrival in January or February of 1968. Where or what it was, I don't know.

Q. How do you spell ALAPAI?

A. A-L-A-P-A-I, I think. He was an Hawaiian. He was wounded pretty seriously, although the last I heard, he was going to be all right. He was from Hawaii, and he was wounded in March sometime.

IO: Do you recall any of the details of what ALAPAI told you?

A. ALAPAI didn't tell me. What happened was that ALAPAI and COLEMAN were the two NCO's that were in the 70th Infantry Detachment. COLEMAN was transferred with myself to this aviation section. ALAPAI went to this infantry company as a squad leader or platoon sergeant. They were on stand-down, and ALAPAI came over to see us. There were four of us sitting in a hootch. At the corner of two racks, one was here and the other was here (gesturing) in the corner. ALAPAI and COLEMAN were sitting on one side and HUXFORD and myself were sitting here. We were all sitting here, and HUXFORD and I started talking together. We were not whispering and hushing our voice or whatever. They broke into a separate conversation. COLEMAN started talking to ALAPAI and ALAPAI started

telling COLEMAN a story about how his company had gone through a village, and it had been cleared two or three times and the civilians had been taken and put back in these 'refugee centers, et cetera. The civilians were farmers. They always came back to the land. They sneaked out of the refugee centers and came back to the land. The story he told COLEMAN and that I overheard snatches of--I overheard most of it, but exactly where it was I didn't overhear--was that his company had gotten into this village and because it had been cleared before, how many times I don't know, but because it had been cleared before and the people insisted on returning to the village, that somebody, the story that ALAPAI gave COLEMAN, was that it came down through channels, apparently from the Charlie-Charlie, to wipe them out, so they lined up everybody, men, women, and kids, and they just shot them all down. COLEMAN asked him, "How did you do it?" I heard him say, "How could you do that," and he said, "I don't know. You just close your eyes and pull the trigger." I overheard that, and I said, "What did you say, Sarge?" and he just said, "Nothing, man. Just forget it." I had been not the most subordinate PFC while I was in this 70th Infantry Detachment, and if they asked me a question I stated clearly what I thought and not especially what they wanted to hear. I told them what I thought when they asked me questions. He wouldn't say anything to me, and after he left COLEMAN repeated this story to me. How much basis of fact there is behind it, I don't know. I think that it deserves investigating.

Q. I'd like to pin down as closely as possible the date that you and COLEMAN and ALAPAI were together and reconstruct it backwards if we can?

A. It was rainy, which is not all that unusual in Vietnam, but it was during the monsoon season. I would estimate that it was in late February.

MR WEST: What was Sergeant COLEMAN's first name?

A. I can't honestly recall. Charles, possibly.

MR MACCRATE: This would be late February of 1968?

A. Yes, that's right.

IO: And you indicated that he was with either Alpha or Bravo Company?

A. The 3/1. I am almost certain he was in the 3/1.

Q. Which company?

A. Alpha or Bravo. I just don't know.

Q. How long before that had this event transpired?

A. I don't know, sir.

Q. Did you have the impression that it was just yesterday or a couple of weeks before?

A. I would say within a couple of weeks before.

Q. That would put it along sometime in the month of February, then?

A. Yes. This is as close as I can recall. It is really vague.

Q. It would have to have been sometime in the month of February because--

MR WEST: (Interposing) And after Tet?

A. If it was in the month of February.

MR MACCRATE: Could it have been later than that in your own time frame?

A. It could have been. The days in Vietnam tend to all blend together and become one. You don't have Saturdays and Sundays. Every day was a working day.

IO: I had two ways of telling what day it was. One, I went to church, and; two, I took a pill on Monday, so I remember those days very specifically.

MR MACCRATE: I was very interested in your comment that everyone in Charlie Company was aware that there was going

to be an investigation. How widespread did you find a knowledge or an awareness that there was an investigation or that there was something--

A. (Interposing) If I said everyone, then perhaps I shouldn't have been that all inclusive. I can't state from my own knowledge that everyone--

Q. (Interposing) I understand that, but what I am getting at is what kind of an awareness did you find that something had gone on and that there had been an investigation?

Those are really two different questions, but if someone knew that an investigation had been made, then they would have known that there was something that was investigated. What kind of an awareness outside of the Charlie Company group that you talked to? Did you ever hear any discussion at the 11th Brigade about an investigation? Did you ever hear any gossip in the Headquarters, Headquarters Company?

A. No. To my knowledge everyone in Charlie Company knew that Colonel HENDERSON had come out, had landed, and had spoken to a large part of the company. I thought it had been the whole company, but apparently, it was just a large part of the company, and that apparently there was some kind of an investigation. After that, nothing happened. I mean as far as the soldiers were concerned, nothing happened. So through my conversation with them, I would infer that they had assumed that there had been an investigation and that it had been whitewashed. This is what their impressions were, especially BERNHARDT.

Q. Actually, I am trying to get at a different matter here. I'm just using that as the takeoff point. I was interested in whether, as you went around Duc Pho and Chu Lai, you found any awareness that there had been an incident at Pinkville?

A. Not unless you were a confident of one of these people, unless you had been a personal friend of one of these people, or you got it from, really, rumor, third, fourth, fifth, or sixth person.

Q. Did you have any contact at all with the 123d Aviation Battalion at Chu Lai?

A. Yes. Perhaps I can add something else. Sometime after the incident occurred, I would say it must have been within a couple of days after that, we flew back up to that area to give support to an infantry company that was withdrawing from the area, to watch the trail ahead of them, and make sure they weren't going to be ambushed. On the way up there, we crossed what I now think must have been My Lai (4). We didn't cross right in the village. There were two hamlets. There was one here and one here (gesturing) and a trail or an improved foot-path.

IO: Here it is, right here.

A. We came up from the south, and this mountain is where? Right here (indicating)?

Q. You can see the terrace on the upper part of Hill 85, so it's actually right down in this area, you see (pointing to a portion of Exhibit MAP-1).

A. It would have been right here, between this and this. We flew, apparently, over the top and the side of the mountain, and the area was just deserted. There was nobody around. I had never been in any place in Vietnam where it had been that deserted. Right along here beside the pass, someplace in between the villages, there was a body of a woman, I would guess 35. It was difficult to tell. She was quite dead, and she was spread out next to the path, spreadeagled on her back, and right between her legs, right up in her crotch, there was a 11th Brigade patch. As we flew over or flew by-- we didn't fly directly over at first. As I recall, we must have flown on the outside over here (indicating), and one of our gunners, who had to have been our right doorgunner, saw the body over here, and we circled around and came back over. We flew down, and we hovered next to it. I mean we hovered right over by it to get a look at it. We just looked at each other. "Jesus Christ, what the...?" There was no weapon. There

was no nothing. She looked like a civilian. She just looked like a civilian noncombatant. Then this patch right between her legs, obviously, it looked to me like someone had wantonly murdered her, and then just left it as a marker as if they were boasting, "That was us, the 11th Brigade. We did that." We looked at each other, and there was a little bit of discussion, and I can remember the pilot, a Warrant Officer HONDA, Gilbert HONDA. He just said, "Well." I couldn't help having the feeling that he knew something, that he was aware of something that we weren't. We just said, "What the hell? Who did that? Who put that patch on?" He said, "Well, I don't know. It must have blown there by the wind, or maybe the VC put it there or something," and we just took off.

Q. While we are here now, let me ask you some more questions about this. Did you, by chance, fly over any of this? While you were here, were you over any of the other area around here?

A. We were going up to over here someplace. I don't know. It was someplace up there. We must have flown across this area here. The gunner saw it there, so we came and circled a couple of times and saw it and just sort of hovered above it and then took off again.

Q. Right around in here, over in this area for example, did you see a lot of fresh digging (pointing to a portion of Exhibit MAP-1 in the northeast corner of My Lai (4))?

A. Either we didn't fly over it or I don't recall. If we had flown over it very much, I would have seen it, because I was in the left doorgunner. I would have seen it.

Q. The reason I'm asking, you know what graves in this area, or whether you were down in this area and saw some fresh graves (pointing to an area south of My Lai (4)), or whether you were down in this area (pointing to an area east of My Lai (4))? I'm not talking about one or two graves.

A. You're talking about mass graves. I don't recall.

Q. Do you recall looking over and seeing this village or hamlet and noticing that it had been burned out? Actually,

on the map that the U.S. forces were using, this was My Lai (5). If you flew over this, did you notice this village or hamlet being burned out?

A. I just don't recall. We had been up there before, and there had been a great deal of burning. We were up there one day before, and this was before the incident happened or before I became aware that it. I don't believe it was in this area. I remember flying over there one day and we saw people who were wounded outside of a village and the entire village in flames.

Q. Let me ask you again about this body. Was this body right alongside of the road?

A. I don't think so. I would say, to the best of my recollection, 10 to 15 meters off the road.

Q. I'll tell you the reason that I am asking you this question, and I'll have to just get your judgement on this: as to whether or not this body was just casually left there or whether an American had put the body there and put the 11th Brigade patch there, or in fact, whether or not the VC had put the body there and so strategically layed out the body with the patch as, you might say, a bit of counter propaganda, particularly being along this main road through the area. This, actually, we called LTL, a minor road, but it is, within the area, by far the best road. If you could think back and just give us a judgement there, it might help us as to whether or not this body could have been put there in this position, and so forth, by an American for some reason, or whether or not the VC, in your judgement, might have been using that? We're talking about 3 days afterwards, now.

A. I couldn't make a judgement as to who placed the body there. The woman could have been killed there. I don't know. There is no way of knowing that. The woman could have been killed there, but it looked like the body had been very purposefully layed out and that the patch was very purposefully placed where it was: it was a deliberate act, and I cannot honestly recall how close to the trail the body was. The pilot made a point of placing the body in the prop wash of the ship so that the patch was blown away, and it was. He made a point of that.

MR MACCRATE: Did you fix this in time as to when you observed this?

A. The only thing that I can recall is that the area was deserted. On the way up there the area was deserted. On the way back, we had about 3 gallons or 4 gallons of fuel left so we came across approximately the same area. I wouldn't say it was the same area. I would have to estimate that it would have been perhaps this area right here, this little hamlet right there. (pointing to a portion of Exhibit MAP-1 northeast of My Lai (4) ). We came back and we flew over or we sighted a group of about -- my ship sighted a group of about 10 military-aged males. They were in various modes of dress. All of them had on PJ's. Some had on different colors, and some of them didn't have tops on. They were all military-age males, and they were in a group and they were unarmed. The other ship found one military-age male, and they were off about 200 meters to our right, and they chased a guy up. They saw the guy, and he tried to evade. They came in on him, and the guy saw them coming in on him, and he just threw his hands up and ran out into the middle of the open, in this area here (indicating), and was standing in this open area waving his hands and jumping up and down and taking his shirt off to show that he didn't have any weapons and didn't have an ID card or anything. I said, "Well, what do we do? What do we do with the guy?" "I don't know. He ain't got a gun and you can't capture him, so let's go," and flew off and left him. There wasn't anything else we could do. We could have killed him but we didn't or they didn't. They were in the other ship. This group that we saw in my ship of about 10, they saw us coming, and they didn't know whether to break and run or what to do. It had been our experience further south where we operated that the civilians just ignored you, just completely ignored you, and that you never had anybody evade unless they were carrying a gun or unless they were military-age males, then they frantically evaded. It happened so seldom. You could fly over literally thousands of people a day, and you wouldn't see anybody evading, and every once in a while you would come across someone who evades. We came across this group of 10 military-age males, and they looked like they couldn't decide if they should break and run. Some of them broke and ran. About half of the group broke and ran and got into a bunker, and the other half just walked along sort of forcing themselves to be casual, and as soon as they got close to the bunker they broke and ran into it. They looked to me like they were enemy soldiers,

and I said "Well, should we try to pop a grenade in there and get them out or what? They are obviously enemy soldiers. Should we try to engage them?" The pilot said, "Let's take a pass on it and drop a 'Willie Pete.'" So I got a while phosphorous grenade and tried to drop it into the door of the bunker, and it was almost impossible. This guy is a good pilot.

IO: Is this still Warrant Officer HONDA?

A. That's right. If you looked at his record you would find out that he has a tremendous record.

MR MACCRATE: From which aviation group?

A. The 11th Aviation Detachment. The guy flew over that bunker at about 65 knots and at about 200 feet. Superman couldn't have put a grenade in the door of that bunker. He obviously didn't want to put a grenade into the door of that bunker. As we were flying away I said - - we only had 3 gallons of fuel. We couldn't linger in the area. I asked him, I said, "What's the deal, sir?" He said, "Well, these people up here have had a pretty rough time," and that's all he would say, but I just knew that he knew something that I didn't.

IO: Did you know where you were at that time?

A. I knew the approximate general location. I didn't know exactly where.

Q. Of course, at this time, you hadn't even heard of anything happening?

A. I knew that it was supposed to be a hot area. We were scrambled up there four or five times while I was in the section.

Q. Up to this time had you talked to anybody concerning what had happened in Pinkville?

A. From his attitude and from the absolute desolation of the area and from the body being down there, I mean, we saw the body on the way up to support this place, and we saw the people on the way back. I would have to guess it would have been very, very shortly afterward, within a week at least.

Q. What time of day did you go up? What time are we

talking about? Early in the morning? Noontime?

A. It was almost dark. The sun had gone down by the time we got back to Duc Pho.

Q. When you flew up, I take it you were flying a H-23 at the time?

A. Yeah, Yeah, I was.

Q. Here's Hill 85, and you were operating in this area right here. This is where you are talking about. Do you remember going up in this area or up in this area to assist a company or unit to lift out of the field, moving up in this area to move out?

A. Once we got up to support that company, I can't say where they were at. They were moving back to LZ Uptight.

Q. Not to Dottie?

A. No. They were moving to Uptight.

Q. Could they have been lifted out over here in the strip?

A. They were walking out.

Q. They were walking and you were covering them?

A. Right.

Q. Do you remember getting north of Diem Diem River?

A. I can't recall. Show me where Uptight is on there.

Q. Right here, (indicating on Exhibit MAP-1). This is the point that I am trying to get at. We know when this company was in and when they withdrew back to Uptight. At least one of these two were lifted out of there and went back to Dottie, and it's just a question of trying to fix the location of the area, and by that we could pretty well tell what company?

A. This is a boundry line here?

Q. This is a road here.

(Witness was given a brief orientation on Exhibit MAP-1.)

A. We were somewhere in this same area on this same mission where we saw the body. I cannot for the life of me locate it specifically. There are hamlets on one side of the road and paddies on the other. We were looking out for these people to see if someone was waiting in ambush, and as we were flying low and not slow, but we were flying very low, and at a speed that was slow enough so that we could distinguish what we were passing on the ground. About 35 meters off the trail, above the trail - -I say above, but I don't necessarily mean north, but there was gentle incline above the trail - - we sighted a man lying down in the grass. He was sort of lying at the end of a field. We couldn't figure out what the guy was doing, and we flew over and threw some gas down pretty close to him. He just played possum, and we couldn't figure out what in the world the guy was up to. So as the lead element of the line company came up, we directed them over to this guy. My ship was hovering. We were covering him as they approached him, two men. As a doorgunner, you protect your side of the ship. We were hovering to the right, but to the left of them. I was the left doorgunner, so I was out watching this way, and every once in a while I glanced over to see what they were doing. The guy walks up to him. This is what the other doorgunner told me. They had bayonets on, fixed bayonets on their 16's, and whoever this guy was, was in point, in the lead element, and he just walked up to the guy and stuck him twice. I mean, he didn't stick him. He poked him a couple time, and the guy flinched, and he fired three rounds into him. I didn't see it. I heard the three rounds go off, and I looked around and the guy was dead, and here was this guy standing, and he looks up and goes (gesturing an OK motion with his hand and fingers). I couldn't believe that I had seen what I had just seen. I didn't actually see it, but what had just happened. The pilot and the other gunner had seen it. The pilot got on the phone and called the company commander and really raised hell.

Q. You talking again about Warrant Officer HONDA?

A. Yes. He really raised hell. He said, "What the hell are you guys doing?" He's Jananese. He really, really raised hell with the guy. The company commander said "Well, let me see," and he called up the lead element on the phone and got the platoon leader, and the platoon leader got a hold of the guy, and he said "Well, the guy had a grenade in his pocket, didn't he?" And the guy goes "Ah, ah, well, I didn't look. I don't know." The company

commander says, "I thought you told me, I thought (Witness strongly emphasizes "thought") you told me that the guy had a grenade in his pocket," and this went on until finally the guy got the idea and said, "Yeah right." We were so shocked at this. We covered these guys when they went up. After that, quite honestly we didn't look very hard for anybody hiding by the trail. If there had been somebody hiding along the trail, I'm not sure we would have told them. After that, as far as I was concerned, they deserved what they got, but they covered themselves. We went back, and we sat down and talked about it. Nobody did anything. The way they covered themselves, I felt like it was fruitless to attempt to do anything in that position because we were dealing with an individual act, and the company commander covered the man. I don't know what company it was. I know they were withdrawing to Uptight.

Q. And you were providing ground cover for them?

A. That's right. We didn't see anything that was suspicious except for this man lying there. We couldn't tell what he was doing. We tried to get his attention and see what he was doing or even get him to look up at us, and the guy wouldn't do it. We would get close and he would just scrunch up. You could tell that he was alive and that he knew we were there, but he wouldn't react to us. So we had these guys come over and see what he was doing, and they just murdered him right there.

Q. When you were down there with the 10 that broke up into 5 or thereabouts, and the other one where this fellow jumped up and tore off his shirt and so forth, have you ever been on a battlefield where there were a lot of people killed?

A. Actually been on the battlefield?

Q. I'm talking about if you know the stench of dead bodies?

A. No. We had engagements in this aviation section where we engaged small units of enemy troops and killed some, and we would and sometimes, and I would get out and pick up the weapons, or one of the other gunners would get out and pick up the weapons off the bodies, but never - -

Q. (Interposing) I'm talking about 2 or 3 days afterwards where the body gets pretty ripe, you know?

A. Right, especially over there.

Q. Well, in the event you don't recognize it, you were right over the general area where some of the activity with respect to the village took place and also in the general area where we have been told and where we have seen the graves where quite a few of them were buried. This is the reason I am asking the question: one, if you recall whether you had seen any fresh digging or fresh burials and so forth in the area, and the other one is obviously directed at whether or not this would have indicated that these bodies had already been buried by this time?

A. I don't recall any. I would imagine the stench that would be that heavy by that many bodies would be something that you would remember.

Q. You would have remembered it. If you were there, you would have remembered it.

A. I don't recall it.

MR MACCRATE: Mr. RIDENHOUR, you mentioned, in connection with a stop-the-killing order or something to that effect that you had been told about that Captain MEDINA had given, that someone indicated to you that he went running around the company. Is that just a manner of speaking, or did you get the impression from someone that he was physically moving around?

A. That was the term that was used and that was the impression that I had. They said something about his running around in the company and waving his arms. I can't give you a verbatim reconstruction of the conversation, but it was like that.

Q. Do you remember which of the individuals you spoke to?

A. I can't honestly say which one told me that.

Q. Because, of course, he did have at his disposal all the radio equipment of his RTO's available to him to communicate to anyone, so that it does strike you as a little unusual?

A. Unless he had lost control of his men by that time

and that the radio wasn't sufficient. That's a possibility, I guess. And by that time the thing had progressed to the point where he would have to go on and physically restrain them.

Q. When you raised this subject with those who you encountered, did you ever run into any antagonism, anything that was more than someone who was implicated, was involved, just pushing you aside?

A. You mean trying to brush me aside on the subject?

Q. Yes?

A. I didn't usually approach it in that manner. I mean, I wouldn't say in a manner like I was interrogating them. I would usually get involved in a conversation, and I would just mention Pinkville you know, "Were you at Pinkville? Wow, we heard a lot of bad stories about that place." A lot of it would just come tumbling out.

Q. Did you find a reluctance to talk about it from other cases then you have told us about? You indicated in some of these individuals a reluctance. Were there any others that you recall where there was an affirmative reluctance to talk about it?

A. Perhaps GARFOLO. He was there. He was in the company, and he acknowledge that it happened, that he was present, but he was not mentioning any details at all. I don't know if he was the type of guy who didn't talk much or if there was a reluctance. There wasn't any hostility.

Q. Did you find any desire on the part of anyone other than BERNHARDT to join you in getting the thing investigated?

A. Frankly, I didn't bring the matter up to these guys about having it investigated. Other than BERNHARDT, they were implicated. Other than BERNHARDT, they didn't impress to me any strong belief that they had any desire to have it investigated. It was definitely not to their advantage to have it investigated, and I was a little paranoid myself. I had to go out on patrols with these people. I was just keeping my mouth shut and my ears open.

Q. Coming back to the aviation units, I asked you about the 123d, and you immediately went over to Warrant Officer HONDA, and I'm not sure that we've focused as yet to whether you had any contact with members of the 123d Aviation Battalion at Chu Lai?

A. I had contact with those people in the sense that they gave us combat support. As far as talking to any of them, no. Two of the warrant officers who were in the aviation section, assigned to the 11th Infantry Brigade, were later transferred to the 123d: Warrant Officer LEVY and Warrant Officer--I can't think of it right offhand.

Q. But these were men who moved from Duc Pho to Chu Lai rather than the other direction?

A. That's right.

Q. Did you talk with anyone in the 174th who was at Duc Pho?

A. Not about that. We didn't have very much contact with the 174th. They were right next door, but they sort of kept to themselves and we kept to ourselves. I can't ever remember having a conversation other than, "Hi, how are you? Give me a beer," you know, in their club.

Q. But, you never heard any discussion among them of anything that had gone on at Son My Village?

A. No, I didn't. Not to my recollection anyway, and it was the sort of thing that I probably would recall.

Q. You seemed to have had your ears open.

A. Yes, I had my ears open. I would have recalled it, I believe.

IO: Do you recall at any time having heard that one of the pilots from the 123d had observed this and had reported it?

A. That was what I considered a rumor. To me it was a rumor. Who knows how many people discussed it before it got to me, and as far as I was concerned it was a rumor. You know

how the grapevine goes. Some of it is dependable and some of it is not. I didn't know.

MR MACCRATE: Do you know where you got the rumor?

A. I cannot say. I cannot recall where I got the rumor. I just know that somewhere along the line it filtered into me. Somewhere along the line I picked up this story that the warrant officer had seen what was going on, had objected vigorously over the radio, had complained, and said he was going to file a complaint and report it, et cetera. The rest of the story went on that returned to his base that night and had done that, and the story that I got was that he was killed in action the next day or within the next week or something of that sort. Hearing a story like that you could see - - BERNHARDT had heard this story too.

Q. Is BERNHARDT the one that told you that?

A. I don't think he is. He could have, but it seems to me that I heard it before that. It also seemed to me that he was familiar with it. Stories like that will make you very reluctant to talk about it.

Q. We've run into a curious phenomenon of how many people seem to have know nothing about any of these rumors or to have had no awareness. Some were in positions such as yourself, where you get different exposures, and yet, they have told us that they have nothing that suggested anything to them. They can't recall any rumors. How common were rumors of this sort around Duc Pho at that time?

A. Around Duc Pho at which time?

Q. This is in the following months. You remained, I say Duc Pho - -

A. (Interposing) I went to Chu Lai for 4 months, and at the end of August I returned to Duc Pho and I spent the great majority of the time that I had left up through November at Duc Pho.

Q. But in April, and May, for example, you were in Chu Lai, both months?

A. I was in Chu Lai from May, all of May and then I went to Recondo School at around the 7th, 8th, or 9th of June. I returned from Recondo School. I was back 4 days from Recondo School; that's 21 days.

Q. Where is the school?

A. Recondo School is in Nha Trang. It is the 5th Special Forces. I was back from Recondo School for 4 days, and I came down with malaria. I was in the hospital with malaria from about the 27th or 28th of June until I was released on the 13th or 14th of July. I returned to Chu Lai on about the 16th. I went on R & R, I believe, on the 1st of August. I returned on the 7th, and I went on a mission on the next day.

Q. Can you place in this time frame that you have just covered for us when you were hearing these rumors of this sort about the warrant officer, pilot, and his accusations?

A. I just don't know. All I know is somehow along the way I heard this rumor, and how I got it or came by it, I just don't know, and it was that vague that I just didn't credit it with very much. It seemed to me like it was very probably just another story, the way they build up and you get stories.

Q. The ending of the story wasn't very reliable. What went before it may have been more reliable.

A. Yes.

COL ARMSTRONG: Let's go back to the incident where you were protecting this company moving north and these two men who shot this man?

A. We weren't protecting just the point. We were protecting the whole company.

Q. You stated that after the incident you overheard the captain investigating this over his radio?

A. No. Our pilot got on their command net, or maybe he was already on their command net, I can't recall. He was talking to the captain or the platoon leader and was raising hell with him. I mean really, really screaming at him over the radio about this

incident, about the murder of this guy who was just laying there. I mean the guy just stepped back and blew him away. Whoever it was that Mr. HONDA was talking to questioned somebody else by radio, either the platoon leader or that man.

IO: You could hear him talking?

A. Yes, I could hear him talking. We were always tuned in on their - -

Q. (Interposing) It would have to be a PRC-25, because I don't think you could have communication with the ground troops with a PRC-8 or a PRC-9.

A. Yes, sir. Right.

COL ARMSTRONG: You could overhear this conversation?

A. That's right.

Q. So you were quoting this rather than what somebody had told you was the subsequent conversation?

A. That's right. This conversation I overheard. Whoever it was that was on the other end of the radio that Mr. HONDA was talking into called somebody else, and this exchange occurred. I can't quote it exactly, but it was along the line of, "He was an enemy, wasn't he? He was armed. He had a grenade in his pocket," or something like that.

IO: Do you by chance remember the callsign that he was using? Did he use something like Coyote Charlie 6?

A. I just can't remember. We were constantly on everybody's command nets, and they change about once a month. After I started in the long range patrol, I personally had a call number, and it changed once a month or once every 2 weeks or whatever, and I just couldn't say.

IO: The hearing will recess at this time.

(The hearing recessed at 1245 hours, 29 January 1970.)

(The hearing reconvened at 1335 hours, 29 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL ARMSTRONG, COL FRANKLIN, and MAJ LYNN.

Sir, the hearing recalls Mr. RIDENHOUR. Mr. RIDENHOUR, you are reminded that you remain under oath before this hearing.

IO: Before we go on any further, I wonder, Mr. MACCRATE, if you have any questions based upon this morning that you'd like to address to Mr. RIDENHOUR?

MR MACCRATE: I have nothing further at this time.

IO: Mr. RIDENHOUR, after you had assembled all this information it should have been pretty obvious to you that you had a bear by the tail and quite a bit of information concerning what had transpired there. Can you tell me, explain to me your thought process behind taking a course of action you did as opposed to, let's say, taking it up with military authorities like General WESTMORELAND or any of the other people who could have been available to you?

A. I did. I took it up with military, administration, and congressional authorities, simultaneously. Military authorities received copies of the letter, as did administration authorities, as did congressional figures.

Q. Well, I understand that, but I'm thinking back in the time when you were still in theater and this information was still very fresh in your mind, and, on the one hand, you could have gone to the headquarters of the Americal Division. You could have, in fact, gone to III MAF, or you could have gone down to MACV in Saigon.

A. In the frankest of terms, Lyndon Baines JOHNSON was still President. I didn't trust his sincerity. I did not trust the man's sincerity. I wasn't altogether sure of what would happen to it if the Army got hold of it. And they were the only

ones who knew about it. I felt that it's a relative thing. You're working with people. The right people get it, then positive action will be taken. If the wrong people get it, no action will be taken. That's the way any organization works. It just depends on who gets it. I had no idea who the personalities involved would be. I felt that the only way that I would be able to insure myself of any success would be to send a letter out to a variety of people and hope that just one of them would press for action. And as it turned out, there were a hell of a lot who didn't press for action.

Q. Well, you see, the reason I'm asking this--you're probably wondering why I'm asking such a direct and blunt question, and it is--is the fact that I commanded the forces in First Field Forces in II Corps, and in my judgment, all I would have to hear is about somebody getting nicked by a piece of artillery or anything, and we had it investigated, because this was generally the policy under which we operated and which I understood was General WESTMORELAND's policy. And we could ask other people. Colonel FRANKLIN worked with the 173d Airborne Brigade just to the south of you and in upper Binh Dinh during this period. He was very well aware of this. It's my general impression that all of the people, the Americans, within II Corps understood this. The thing that concerns me a little bit is having that attitude, which I think we did have, and this isn't to say something might not have happened. But at least what we tried to implement--in the discussion here this morning I find that--of course, you're talking about down at the company, you're talking about down at the soldier level and not up at the headquarters--but the indication seems to be that there was more than a little bit of this going on. If I interpret what you're saying correctly, part of the judgment in your decision was based upon the fact that you had heard from other people that investigations had been conducted and nothing had come of it. Now, does this sort of bring things into focus with what I'm concerned about?

A. Yes, definitely. There are a multiplicity of different forces that affected me. One of them was, obviously, my close relationship with a lot of these people. As I said, I was very, very close to TERRY. It's a pretty heavy thing whenever you turn in somebody that is that good, that close a friend of yours, for murder. And that is the way I had to look at it. The fact that it really didn't look like, at least

in our division; at least with the information that I had at hand, that the people in the command structure who were in a position to take action; it didn't look as if they were willing to take action.

IO: That is, from your vantage point.

A. That's right. That's from my vantage point. I was a spec 4, a PFC to spec 4. And I didn't have a whole lot of trust in the Army, especially after some of these things happened. And I was told bluntly from time to time that if accidents occurred, don't worry about it, because we'll cover you. Fortunately, we never had any accidents occur in my unit. But nevertheless, I couldn't help feel that this was a policy that was all-pervading within the division, and everybody was covering everybody's ass. That's the first thing that you learn when you go in the Army, now. We didn't learn "don't volunteer." We learned "cover your ass."

Q. Major LYNN, get me, also, 525-3, will you?

(IO confers with Recorder.)

As a bit of background for you, Mr. RIDENHOUR, so that you'll understand how I feel on this thing, and how I not only feel, but how I know General WESTMORELAND felt about it, I'd like to acquaint you with just a couple of documents which we have already had entered into our record. One is MACV Directive 25-3, which is dated 14 October 1966. The title of it is, "Minimizing Noncombatant Battle Casualties." I think you may find it useful to take a minute or so and review that document (Exhibit D-6).. This is the policy directive which is still in force by General WESTMORELAND. Everytime he'd visit my headquarters and any other headquarters, he discussed this. It leaves no doubt in my mind but what the intention here is to protect the civilian. In line with that, I'll show you a couple other documents. Here's one which is dated 27 April 1967. It's Directive 20-4, which has been entered into the record as Exhibit D-1. I don't think you'll have to read all of this document, but I would call your attention to just a couple of things in the document: on the first page, paragraph 2. And I think maybe from your point of view it might be essential to read paragraph 1, too. Now skip over to the second page and look at paragraph 5a, which I think is most

pertinent, and then just skip through the rest of paragraph 5, which I think will give you the general background of it. Well, I think it points out the emphasis that is being placed upon it, and paragraph 5a, whether we put this out properly or not so it gets down to all the people, this is a different question, but the intention is indicated. "It is the responsibility of all military personnel having knowledge or receiving a report of an incident or act thought to be a war crime to make such incident known to his commanding officer as soon as practicable." This also is part of the reason why we've been addressing questions to you this morning concerning your training and what has been put across, because the brigade in Hawaii was trained based upon documentation which had been picked up in South Vietnam. Do you have any questions concerning these documents at all?

A. No.

Q. I'd like just to show you another one because I think it is important that you really know what the policy was as far as General WESTMORELAND and his command is concerned. I have here a letter dated 21 February 1968, which I'd like to have entered into the record as an exhibit. It is from General WESTMORELAND to General Cao Van VIEM, who was then the Chief of the Joint General Staff; in other words, he headed the Armed Forces of the Republic of South Vietnam.

RCDR: This letter will be entered into the record and marked as Exhibit M-82.

IO: You will notice that through his letter, he indicated that he was going to attach a copy of a message which he had dispatched to the U.S. Forces. This has already been entered into our record as Exhibit M-48, and I think it would be worthwhile to be familiar with that as well.

A. This is attached to this?

Q. Yes, this was attached to that. But it also is a message that went out, as you can see, from COMUSMACV, Commander of U.S. Forces, Military Assistance Command, Vietnam, and that MACV means to all commands within South Vietnam, all U.S. commands. So this had been sent to everybody, clear down to province advisory level. The point is that in my view there

were ample instructions and there was ample policy and so forth out on the thing. But the fact remains that it wasn't getting down to some people. Later on, we'll probably come back and ask you some of your personal thoughts about how this might be improved, you having been down on this working level, the man behind the rifle, so to speak. This is the kind of appreciation we would like to have. Before we do that, I'm sure we have some other questions that people would like to address to you. Mr. MACCRATE?

MR MACCRATE: I'd like to get a little further feel of your observations within the 11th Brigade and the attitudes there, if we can. Perhaps going down to Charlie Company again, did you get any feel from your associations there that there was a rather callous attitude about the treatment of women?

A. Yes. Well, in my conversations with GRUVER, and with many men throughout the brigade, I came to the conclusion that rape was not at all unusual. In fact, it was committed by a great many members of our forces over there, probably. How can you put a percentage on it? Not a majority of the members of the companies, but too large a minority, too large a minority.

Q. Did you get the feeling that it was more common in some companies than others?

A. Yes, sure.

Q. Did you get the impression that some company commanders took an interest in this sort of thing to see that it didn't go on, as far as they could?

A. Not so much that they took an interest in it. The impression that I got from the people I talked to is that the officers looked away if they could. Unless the act was so flagrant and committed almost before their eyes, or even before their eyes, where they couldn't ignore it, they chose to ignore it.

Q. Did your friends in Charlie Company report anything about attacks upon women in this operation in Son My?

A. You mean, that specific day?

Q. Yes.

A. I can't recall any reports of it that specific day. I recall reports of rapes having occurred prior to that. GRUVER admitted to me himself that he had committed rape more than once. How many times, I don't know. He said--he almost boasted about it--if he got horny, he wanted a little, he just picked out a likely little girl in a village and raped her. That was it. Not in those words, but that was his attitude. That is the general feeling that he expressed.

Q. And did you get any feedback as to the attitude of any of the officers in Charlie Company?

A. The way these men felt about it or the feeling that they passed on to me is that the officers didn't care. The officers didn't care if they wanted to rape a girl. They just raped her and as long as it wasn't right before their eyes, they'd ignore it.

Q. Did you ever hear at any time in their operations that there had been some real orgies?

A. No. I have heard stories of that since this all came out, and, of course, I've been in touch with some news people and stuff. I've heard stories of this since then, "gang bangs" is the proper term. Prior to that, I hadn't heard of anything of that sort. I'd heard of like GRUVER, who apparently thought that he could rape any girl that he wanted when he wanted, and of other people. He told me that it wasn't an uncommon event in his platoon, and that he wasn't the only one who was doing it. He didn't say John and Joe and Jimmy were doing it, too. He just expressed the idea that there were other people doing it who felt the same way that he did about it.

Q. I think that's as far as I'll go at this time.

IO: In your previous testimony with the IG, some time ago actually, I think it was with Colonel WILSON, you had indicated that in checking into this matter that you had also checked with the historical section of the Americal Division.

A. Yes, let me explain that, and I can't put a date on it. Sometime when I was in Chu Lai, at the end of my tour,

it must have been between 15 and 30 November after I returned from my 7-day leave. I went down to the division historical section. There was a captain in there, and I cannot remember what his name was. He had a Mexican surname, a Mexican-American surname. I gave him some story about I was doing a paper for one of my college professors and I was doing a paper on military operations. I had chosen specifically to write on Task Force Barker and was there anything in there I could look at? And he said, "Ah, hmm, ah, well, do you have a security clearance?" And I said, "Secret." And he said okay and gave me access to this file. There really wasn't anything in it. There were two short after-action reports, and I cannot remember the specific dates on them. It seems to me like one of them was the 16th of March, and it seems to me like that, because the body count was right. The body count agreed with the stories that I had been told of 128. The other one was around the 23rd, I think. I believe it was around the 23rd of March of 1968. There wasn't really very much in there. Obviously, the one that was dated on the 16th wasn't written anything like the way that I had heard the story had actually gone, how the event had actually happened. The only thing that really jelled was the body count and the very, very low number of weapons captured. Those two things clicked, but other than that, nothing else clicked very much. That's where I got my coordinates that I sent, off of that sheet.

Q. Did he give you access to any other papers concerning Task Force Barker?

A. He did not. He showed me that file, and that was all that was in that file that he showed me.

Q. I have here Exhibit R-2, which has been entered into the record as an exhibit, dated 28 March 1968, Task Force Barker Combat Action Report. I show you this paper and ask if this is one of the papers which you had reviewed at that time.

A. It looks like it. I couldn't say irrevocably that that is it, but a lot of it clicks, a lot of it clicks. I think this is it.

Q. Would you look back to the last page, please. When you saw this document, did it have this overlay attached to it?

A. Yes, I believe that it did. I can't be certain. It looks familiar, but I can't be certain.

Q. So it's your impression that this is one of the papers that the historian made available to you then?

A. Yes, that's right.

Q. All right, fine.

A. As I recall.

Q. I have here another paper, Headquarters, Task Force Barker, dated 24 March 1968, subject: "Combat Action Report." This, likewise, has been entered into the record as an exhibit, R-12. I show this to you and ask if this is the other report which you reviewed at that time.

A. (After reading aloud to himself from the document) That's familiar. That I remember. I believe that's it. This sounds like the operation that I flew cover in. It sounds very, very close. It sounds like it must have been it. And I remember that's why I was confused, because this jives with the deal, but it seems to me this operation happened before that.

Q. Yes. Well, if you'll notice the--

A. (Interposing) Yeah, I notice the date.

Q. One is dated the 16th.

A. Uh-huh.

Q. The operation itself, and this operation, although the after action report is written on the 24th of March, the actual date of the operation is the 23rd of February.

A. Oh, oh, I see. Yeah, I didn't see that before; I didn't see it now.

Q. Yes, it's in paragraph 2 if you'd look at it. Right at the top, paragraph 2.

A. Oh, yeah, yeah.

Q. And you'll notice that the other one is for the 16th of March. So one is for the 23rd of February, the one you're looking at now; and the other one, R-2, is for the 16th.

A. Yes, sir. I didn't catch the discrepancy in the date there before. I saw the date on top. That's what it was.

Q. Good. Do you have anything, Mr. MACCRATE?

COL FRANKLIN: Mr. RIDENHOUR, you mentioned to General PEERS that you didn't report this through military channels because you didn't have much confidence in the Army. I assume your impressions of the Army come from your own experiences in your own outfit. Just what was your feeling towards your Army service in the 11th Brigade and the men that you served with and the training that you received?

A. What do you mean "What was my feeling towards--

Q. (Interposing) Were you proud of the 11th Brigade, or are you ashamed of the 11th Brigade?

A. I'll say at this point, I don't see how anybody can be proud of the 11th Brigade. I'm not proud of the 11th Brigade. I took pride in the particular unit I was in, but I didn't see it as part of the 11th Brigade. I would say that this is Primo to the 11th Brigade aviation. And when I joined long range patrol, it was the same way. I didn't feel that I was in the best unit in the Army or that I was in the best division in the Army. I felt that I was in E Company, 51st Infantry, Long Range Patrol, and that I was doing a difficult job and doing it well and that the people that I worked with, the majority of them, were doing the same thing, or trying. There were some who weren't, and that's the way any organization of any size anywhere that I've ever been or had any contact with works. It depends on your individuals, and you're not going to get 100 percent good individuals. You get some good; you get some bad; and you get a great majority that are in the middle.

Q. Well, specifically, you didn't have any faith in the Army. Would you translate this into just what or whom you didn't have faith in and why you had this feeling?

A. It began, I think, when I was in AIT, advanced individual training. It's a very long story, but we had a case of misrepresentation where the commanding officer backed up an NCO who had made a mistake, and he backed him up because he was an NCO. And whenever I complained about it, it was not just myself, but a great many other people, there was a great deal of pressure put on us to keep our mouths shut, don't make waves. I ended up on area restriction for a good time to come. I think I had 5 weeks left in the company, and I didn't receive very good treatment after that. And the thing about it is that I was right, in this particular instance. There were instances in the Army when I was wrong; I got burned for it, and that's the way it was. I was wrong and I got burned. But in this instance I was right, and I got burned. And that gave me, not a general distrust, but it made me view much of the Army with a wary eye. When I got into Primo, when I was in the 70th Infantry Detachment, Long Range Patrol, in Hawaii, we had a squared away company commander, and he was a good man and he was a fair man. I had no complaints. Captain CLARK was the company commander of Long Range Patrol, E Company, 51st Infantry, and I had no complaints. There were a lot of people who did, but I wasn't one of them. I felt that he was doing a good job under the conditions. When I was in Primo, we had a couple of NCO's who were not very sympathetic towards me. I wasn't very sympathetic towards them. I made a great deal of my own trouble in that particular unit. It developed from a misunderstanding because the four to six gunners were in very close contact with the officers. The officers, instead of going through their NCO's, came directly to us with the things they wanted us to do and how they wanted us to conduct our duties. They didn't pass this information on the NCO's. The NCO's would think we were supposed to be on something else and we had already been told by the officers something else. We told the NCO's that we had other orders, and from the very beginning this started off a bad situation. The NCO's got ticked at it, and it got worse. It just started off a bad thing. It was like a sore; it festered and festered and got worse and worse, to the point where finally there was no good or friendly or compatible cooperation between the NCO's and the enlisted men in that unit, particularly between the NCO's and myself. As a result, I left the aviation section because I was asked to leave, not because I wanted to leave, because I was asked to leave. And it was a result of an incident that these NCO's arranged so they knew I'd react in a

certain way, and I did. And they had grounds to ask for my dismissal. They tried three or four other times to get me out of the unit. I don't know. You can say that it's my fault; you can say that it's their fault. I think it was their fault and my fault. It was as much mine as it was theirs. Four months later the same two NCO's were booted out of the unit, so I don't know what to say. That's part of the basis of it.

Q. You had a problem with NCO's in your AIT, and you had a problem with your NCO's in your company, but you mentioned some officers that were pretty straight.

A. Well, some were--

Q. (Interposing) Did you trust some of your officers? Those that you dealt with, your company commander, Captain CLARK, for example? Couldn't you tell Captain CLARK some allegations of the type that you received, these six or seven friends of yours? What do you think he would have done with them?

A. I think he would have reported them. I trusted Captain CLARK, and I had faith in him. I thought he was a good officer and a good man. If I would have thought that he could have taken these allegations and carried them through, and that was the only consideration I had at that time, I would have brought it to him. I didn't think that he could, because, after all, he was a captain and this investigation that I had heard about at that time was conducted by a lieutenant colonel or by a full colonel. What I had heard of it, it had got no place, so what's a captain going to do when a colonel hasn't done anything?

Q. Just overall, how do you look back on your Army service, apart from this, and certainly no one is proud of that. Just look back on the time you served in the Army.

A. How do I look on it?

Q. Yes.

A. It was a learning experience. I look on some parts of it as being good and rewarding, and I look on other parts of it as being not so good. When I was in the aviation

section, I can look back at parts of it that aren't separated by 10 minutes where one part is just--I certainly could have spent my time elsewhere and never missed anything, and, of course, it was a rewarding experience. It's not black and white. It's like salt and pepper all mixed together with all the various shades of gray. It's not possible for me to make a broad generalization--it was a "good experience" or a "bad experience." It was a learning experience. It was something I had to do. I did it, and it's over with. I feel I'm a better man for it.

Q. Then your feelings toward the Army are the same mixture of good and bad?

A. Certainly, because the Army is people, and when you deal with people, you deal with all the different varieties of people. You're going to get all the different varieties of reactions. At least I did.

Q. Thank you.

IO: Well, let me ask you a couple of specifics, because I would be interested. I know that after you finished your AIT, after a short break, you went into airborne training.

A. That's right.

Q. How did you enjoy that training?

A. Well--

Q. (Interposing) I'm not airborne, so this won't hurt my feelings one way or another.

A. It was a good experience. I like jumping. I didn't like going out all day long, the 2-week training period you go to before that, which is so physical. I wasn't in very good shape when I went, so I didn't like it because it hurt; it hurt. And the heavy, heavy discipline that they use--I stayed straight, so I didn't have to bother with it too much. We had some Marines there, a Marine unit that went in as a unit. Whenever one of the NCO's dropped one Marine, the whole group dropped. And they had those guys doing hundreds of

pushups at a time, because, when I drop you, you other guys are supposed to stay up and stand at attention. But these guys got a lot of spirit. They dropped one of them, and they'd all go down. So they probably look back on it with a little more jaundiced eye than I do, I would imagine.

Q. Well, I would think, having gone through that, that you got a degree of satisfaction out of it.

A. Oh, yes, certainly.

Q. Yes. Now, another bit of training that you went through, which was initially for 2 weeks and was later extended to 3 weeks, was the Recondo training down at Nha Trang. How'd you like that training and the esprit that you ran into in that group?

A. Pardon me?

Q. How did you appreciate the esprit that you ran into with the 5th Special Forces Group, the training section of it there in Nha Trang?

A. Honestly, the group that I went through with, we didn't get too much esprit from the forces people. They were just there doing a job, and they were sort of, "Bull shit. Okay, you guys, get up and do pushups. It's 4 o'clock already. How come you're not out of the tent?" They were just doing a job. I didn't see too much esprit rubbing off from them. Some of the units had a lot of esprit. The Marines, again, had a lot of esprit. The Korean soldiers had a lot of esprit. Some of the divisions had a lot; some didn't. It just varied within the division, depending on which group of people that come from each division.

IO: We will take a short recess.

(The hearing recessed at 1420 hours, 29 January 1970.)

(The hearing reconvened at 1425 hours, 29 January 1970.)

IO: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present.

IO: Well, I want to just say that I'm an Army officer with 34 years of experience. Although I know that the Army is made up of people, and we have to be able to handle and to manage all different kinds of people, it has been my experience that an effective command, irrespective of the makeup of its people, gets them to respond. Very frankly, even though this is my task to do this job that I'm doing, I'm very distressed to do what I am doing because I've been very proud of our Army and what it stands for and what I stand for within the Army. I'm sure that this is what Colonel FRANKLIN was alluding to, because we do have these extremely high standards. I just can't understand anything that deviates from it. So the questions we're discussing here, as far as I'm concerned, are extremely important questions. Mr. RIDENHOUR, subsequent to your return to the States, and as you have indicated in your testimony, you have talked to several people about the best way to get this situation brought to light so that you could make sure that it would be investigated and investigated properly. You addressed some letters to various individuals. I have here a copy of the letter which you addressed, dated 29 March 1969. I would ask you to review that briefly to see if that's the letter which you drafted. I would like to have this letter, dated 29 March 1969, entered into the record as an exhibit.

(The witness did as requested.)

RCDR: This letter will be entered into the record as an exhibit and marked M-83.

IO: Can you tell us, Mr. RIDENHOUR, how many of these letters you sent out, and, although you may not remember the exact names that you sent them to, generally who you addressed them to.

A. In the original batch I had a hundred copies made. I mailed 30. I sent one copy to the Joint Chiefs; a separate copy to General Earl WHEELER; a copy

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to the President; a copy to the Secretary of State; a copy to the Secretary of Defense; a copy to each of the chaplains in the House and the Senate.

Q. Each of the what?

A. Chaplains.

Q. Chaplains.

A. Of the House and the Senate. I sent a copy, one each, to the three Representatives from Arizona, and one each to the two Senators from Arizona. The remaining copies went to Senator Edward W. BROOK; Senator Everett M. DIRKSEN, now deceased; Paul FANNIN from Arizona; FULBRIGHT; GOLDWATER from Arizona; Jacob JAVITTS; Edward KENNEDY; Russell LONG; Eugene MCCARTHY; George MCGOVERN; Mike MANSFIELD; Edmond MUSKIE; Charles PERCY; William PROXMIRE; Abraham RIBICOFF; Richard RUSSELL; Stuart SIMINGTON; Shirley CHISHOLM; Speaker MCCORMACK; John RHODES of Arizona; Mendel RIVERS; Sam STEIGER of Arizona; and Morris UDALL of Arizona; and the two Chaplains names are Edward Gardiner LATCH and Edward L. R. ELSON.

Q. What was the first reaction that you received from these letters?

A. The first reaction I received was a telephone call from Roger LEWIS, who is the administrative assistant of Mr. UDALL, Morris UDALL's office, from Arizona. I believe the letters went out on a Wednesday, and the call came Friday about noon, 1 o'clock Phoenix time.

Q. Yes. Subsequent to that time, when were you contacted by the military?

A. I believe my first contact with the military was a letter dated, I think, 12 April, from Colonel John G. HILL. I received it on the 16th of April.

Q. Before I go ahead, do you have any questions anybody? As you know, Mr. RIDENHOUR, I think you can gather from what we've talked about here, we're going into every single aspect of this thing trying not to leave a stone unturned for very obvious reasons. And amongst other things, of a recent date we've obtained a copy of a more recent letter

which you have addressed. This is dated 19 January 1970, and this copy happens to be addressed to the Honorable Eugene J. MCCARTHY. I would refer this to you and ask if this is a copy of the letter which you had addressed?

A. It is.

Q. May I ask what your central theme in writing this letter is?

A. The central theme?

Q. Yes.

A. It is that Lieutenant CALLEY is thus far the only officer who has been arrested or charged, and it is not my belief that he is the only officer involved.

Q. Yes, well, of course, that's what it says here. You've been aware of the fact that we are in the conduct of this investigation. We have not, certainly, published our findings or even turned our findings in to the Secretary of the Army or to the Chief of Staff. But I can say that we are going to make sure that every aspect of this particular incident, the reporting of the incident, the investigation of the incident, and all aspects with respect to any possible cover up are going to be checked into. Now, I don't know what response you're going to get from Mr. MCCARTHY, but I think it is well for you to know the extent to which we're going and, I would think, the expertise that we have on this group that is investigating. At no time do we want it felt by the American public, or otherwise, that in the conduct of this investigation that we're not going to have 100 percent objectivity as far as the United States Army is concerned and as far as the American people and our government is concerned. I'd like to have this letter of 19 January 1970 entered into the record as an exhibit.

RCDR: This will be entered into the record as an exhibit and marked M-84.

IO: MR. MACCRATE?

MR MACCRATE: Mr. RIDENHOUR, did you send a copy of M-84 to the Secretary of Defense?

A. No, I did not.

Q. It was reported that none had come in. We were not sure whether it had been lost or was delayed in delivery to us.

A. No, I had not. The thing that prompted this letter is obviously the apparent lack of emphasis, or any investigation, on the people other than these enlisted men. It was at that time and is at this time my feeling that the incident would have never happened had not somebody given an order for it to happen or order that they fully realized would be interpreted in such a manner. I made some calls before I wrote the letter, attempting to find out just what the drift of the investigation was. Obviously, your hearings are behind closed doors, as they should be. Nevertheless, I couldn't find out anything as to whether or not the officers were being thoroughly investigated. I didn't feel and I don't feel, especially from my vantage point in this overall situation, that I can be true to myself or to everybody that I have involved in this thing by reporting it unless I insure myself that it has been gone into thoroughly. I attempted to find out before the letter was written if it was made. I got no response. I got no response at all.

Q. May I ask who you were in contact with?

A. I spoke to Colonel WILSON. He told me, as he obviously had to, that he could not make any statement. He couldn't give me any information, but that you were investigating the original investigation and the subsequent lack of results of the investigation; and that the rest of it was being handled by, not by your office, but by the criminal investigations division. I took that information and went to Congressman UDALL. His administrative assistant informed me that they were not able to get any information from the Department of the Army. He suggested that I write a letter that listed what I thought were weak points or points that should be brought up, that should be covered, that should be gone into and send it to them, and that they would subsequently take action. I did, and I also sent the letter to others.

Q. How many of these did you send out?

A. I sent out nine, altogether.

Q. Nine. Mostly to Congressmen and Senators?

A. That's right.

Q. I'm sure that you recognize that we are not going into the criminal aspects.

A. Uh-huh.

Q. As it was put out by the press, this part is being handled by the office of the Provost Marshall General, through the Criminal Investigation Division. I'm sure you know that one of the problems that we're faced with is the fact we're talking about something that took place 2 years ago, roughly, 22 months. If we would have had the people on the scene at the time, wheels could turn rather rapidly. But when you're trying to refresh memories on the one hand and where you have people spread throughout the world on the other, the wheels don't turn quite so fast. That's one of the problems that we have encountered, and it's one of the problems that I'm sure the CID is encountering before they can actually complete any investigation which they have concerning any individuals, until such time as they can get enough information to definitely know that they have a justifiable case. That, I think, explains the slowness of the process. But from my point of view, and I'm speaking only for myself, these lawyers here and people from the General Counsel's office know more about this than I do as far as how long that it takes justice and so forth, but I think when this thing is completed there'll be absolute justice with respect to the individuals, our Army, and our Country. I want to talk about one point for just a minute because I am a little concerned about this. I'd like to get back and talk about the 11th Brigade. From what you've indicated here, as I would interpret what you're saying, when it came over, the 11th Brigade seemed to me to be a pretty rough tough outfit. They were ready to go tactically. And they'd take and clear out anything in front of them to achieve their mission. This is the sort of a picture I get. Is this the kind of outfit we have here, or did we have a degree of sophistication in this outfit?

A. I can't honestly say. I know that they were rushing men into the unit up to the last day to

get it up to strength. I'm obviously not a military expert, but it seemed to me that it would be difficult to have that type of brigade that you have described, to build that type of brigade, in the manner that they were hustling the 11th Brigade together. I know that my unit, just prior to being disbanded, was at not quite, I think, 50 percent strength. And quite frankly, we had good people; we had good people. We weren't ready, though, to go to Vietnam and to go out on long range patrol missions. We weren't prepared.

Q. You mean your training hadn't been completed or your organization hadn't been completed?

A. Well, both training and organization.

Q. OJT, huh?

A. That's what it would have been, very definitely. And long range patrol is a pretty hairy business when you go on OJT. It's a pretty hairy business anyway.

MR WEST: Mr. RIDENHOUR, there's a few things I want to get into or to dispose of. First, we have talked to the majority of the men in Charlie Company who went out on that operation on the 16th of March, the one everybody calls My Lai (4), and with one or two possible exceptions, I've talked to everyone. I think I asked everyone the question, "Why was this not reported?" I got a variety of answers. I got the feeling from some of the men that they were men serving their obligated tours. They were not professional soldiers. I got the feeling that some of them had never really "joined the Army" in a sense. They were there. They were putting in their time; they were counting the days. They had not joined the Army in spirit. As for reporting the thing, they had to live with the guys the rest of the time. They were not about to start anything. Is this a valid conclusion I've drawn, would you think?

A. Yes, I would think that, plus, from all appearances, very, very many of them are themselves implicated. Those two factors combined, I think, are a very strong case as to why the men themselves didn't report.

Q. That is true, although we've talked to some who really, I'm satisfied did not participate. I think you know

that this was not known back in this country at all.

A. No, I don't believe it was. I don't believe it ever got out of division. Not through channels, I mean; it may have gotten out of division via people who had been there and who rotated.

Q. But as far as the word reaching any responsible official, in my other duties, before this panel was ever set up, the first word we ever had of it was--

A. (Interposing) Well, I'm satisfied that that's true. I don't believe it got through division.

Q. Your letter came through. The IG investigation started; then it moved forward. In regard to the men who could possibly have been implicated, it's rather remarkable of the people with whom you talked: TERRY, PEDRICK, GRUVER, DOHERTY, LACROIX, TORRES, GARFOLO, and BERNHARDT. We've talked to BERNHARDT and Sergeant LACROIX. Both of them are still in the service. TERRY, PEDRICK, DOHERTY, and TORRES have refused to appear, and I think they all have counsel. On advice of counsel, GARFOLO doesn't want to come in. We haven't pressed him. We're not sure that he has anything new to contribute. We're still trying to get GRUVER to come in. They have a new address for him.

A. How much do you know about GRUVER?

Q. Well, I don't think it's appropriate to say.

A. I mean prior to military service. You know that he knows his way around.

Q. Yes. We have his records.

MR MACCRATE: Colonel WILSON did speak with him last May. He found him at that time.

MR WEST: I wish we could talk to TERRY. I suspect that the circumstances are such that--he never talked to us. Are you still in touch with him?

A. I'm not, but I could be.

IO:           Where does TERRY live?

A.           He lives on Orem, Utah, which is, I believe, a suburb of Salt Lake City. He attends the University of Brigham Young, Brigham Young University.

Q.           What was the name of the town he lives in?

A.           Orem.

Q.           Orem?

A.           O-r-e-m, I believe it's spelled.

Q.           And he goes to Provo.

MR WEST:    We have been in touch with him, but on advise of counsel, he's refused to come in. We have talked to some witnesses on the basis that they can refuse to answer any questions they want to. It's quite understood that we will avoid any subject which implicates them. These people, as you can understand, do have information which would be helpful to us in many particular issues. I mentioned this in case you might be talking to TERRY. I won't ask you to try to persuade him, but I did want you to know that we'd like to talk to him on his terms. Probably, he knows things that would help this investigation and which we regard as quite important, without incriminating him. Another subject: my immediate boss, Mr. JORDAN, Robert JORDAN, the General Counsel of the Army, would like to talk to you after this session is completed. General PEERS has given you certain information about what he's doing here. Mr. JORDAN is aware of other activities of the Army concerning the so-called My Lai incident. I know he wants to talk to you about them and perhaps this will get into some of the areas about which you still lack information.

IO:           Getting back to Mr. MACCRATE's question, Mr. RIDENHOUR, about rapes and so forth which you considered not completely acceptable, but something that was not unusual throughout the brigade. Did you ever hear of anybody being threatened if he told anything or did anything?

A.           Reported a rape, specifically?

Q. Yes.

A. I can't recall anything. If I was told something of that sort, I can't recall. It appears to me that that would be more or less understood among any observers, especially in a combat situation like that. If a man will commit rape, he can get into serious trouble over it.

Q. In other words, somebody might try to interfere with it, from reaching its culmination, being threatened with his life, that attitude?

A. No, I didn't hear of anything like that. No, I honestly didn't. BERNHARDT spoke of rapes and that they were all too common.

Q. What?

A. All too common.

Q. Yes.

A. TERRY touched on it lightly.

Q. TERRY would probably have found it, in your description, completely repulsive.

A. Oh, very definitely, very definitely. And, like I say, GRUVER almost boasted about it.

Q. Yes.

A. I can't honestly say what DOHERTY said about it. It seems to me that DOHERTY was really bothered by the thing. DOHERTY lived with this thing day and night almost. He lived with this thing hanging over his head day and night. The guy was just in misery; he really was. I don't know how much of a role he played in it exactly, other than what TERRY said and that business with shooting the wounded.

Q. Well, it's extremely regrettable, I think, that DOHERTY, under those circumstances, had not taken any action, which you have since learned through the press which was taken by Warrant Officer THOMPSON. Although he had no hand in it except that of an observer, he went through the pains of death in this one.

A. Who? The warrant officer?

Q. Yes. And I'll tell you, if anybody in this whole thing comes through as a knight in shining armor, it's this warrant officer, above anybody else, somebody that had a conscience, and did something.

COL FRANKLIN: General PEERS asked you about why you did this, and I think probably you have been asked this by a lot of people. Everybody has driving forces that frequently hinges to other than personal beliefs. It hinges to a religion or a belief in the Army in our case, or belief in country. It's probably hard for you, maybe it's like your views on the Army, but again if you'd just talk a little more on why you're doing this. It's pretty frank question, I would think.

A. When I was in Vietnam, I looked around me after awhile and I somehow got the feeling as if I had been the victim of a tremendous fraud. All the things that we're raised with, all the Boy Scout virtues that every American kid is raised with, as if I was one of the very few, and at times it looked like the only one, who ever believed it, who ever really believed it. The inalienable rights that are listed, our Bill of Rights, it appeared to me that in Vietnam those things existed only for Americans and not for all people. We were not in Vietnam, at least from the attitude of the soldiers, to maintain the right of the Vietnamese to determine their own future. We were there to fight a war, and the Vietnamese could have the country back when we left, if there were any left, but that didn't seem to be very material. I think I took this action because I believe in this country. I believe in everything that it stands for, that it stands for to me; and this is not, in any way, consistent with this.

Q. The sending out of 30 letters, those names you read are some of the most prestigious names in our country. So why do you go to so many of them at one time?

A. Well, perhaps because I was a little bit cynical about our system. From looking at the results of how many of them deny ever having received a copy of that letter, there is a definite amount of evidence that perhaps that cynicism of mine was well founded, that these people are not the knights in shining armor that they pretend to be.

Q. May I ask you what you plan on doing when you get through with your education, Mr. RIDENHOUR? What are you getting into?

A. Right now my major is political science, and before this all came up, I had intended to get a B.A. in political science and get a PhD in literature and teach in college.

Q. That was before all this came up. Did you change that now?

A. Well, no. I guess you can appreciate some of the problems that this has caused my life. I just don't know at this point what the future holds, other than the immediate future, and that is that I am going to complete my education. Beyond that, I can't say. I don't know.

Q. You say problems. What do you mean problems?

A. Well, for especially the first month, having a newsman of some type, TV, radio, newspapers, magazines, standing outside your door. If you don't lock your damned door, inside your door. You know from the moment you wake up till the moment you go to bed. It causes problems. You don't get much studying done. And a tremendous influx of mail. And just disturbances in my routine. My everyday life is disrupted. Now it's getting back to normal.

Q. I assume you dislike the publicity and the notoriety, if you will. Now, this last letter you wrote--say that became an item in the newspaper--it would almost renew all of this same business, would it not?

A. Well, I've attempted to keep it out of the newspapers. If it gets in the newspaper, I certainly don't want it to. If it gets in the newspaper, I would hope that the newspaper would associate it with their own observations, because I don't want this publicity. I certainly don't need it, because the reaction of a great deal of the American public has been black or white. I'm on one side or the other. I'm not a legitimate villain, and neither am I a legitimate hero.

MR WEST: Do you get a lot of hate mail?

A. I get some really nasty stuff. Boy, I get some really nasty stuff. And I get some really good stuff, too. I get stuff that's really beautiful from people. So you have to weigh it.

IO: Anybody else have any questions?

MR MACCRATE: Have you any leads to give to us that you haven't already furnished? Is there anything else? We have your letters, of course. We have what you've told us today. I think you can see what we're trying to do, and if there's any line of inquiry that you, who have thought so much about this, and have gotten some really original insights into it and passed along, any more that you can direct us to, we would like to hear.

A. In reference to Sergeant ALAPAI and his company, there's a kid whose name is HUTCHINSON, and I don't know his first name. His name is HUTCHINSON. He was later transferred to 11th Brigade Aviation, Primo. This was after I left, but when I was reassigned to Duc Pho to operational control of the 11th Brigade, I spent a lot of time at Primo, and I got to know this guy, not really well, but well enough to know that he was in the same company as ALAPAI and that he knew ALAPAI. So--

MR WEST: (Interposing) Do you remember his grade?

A. He was a spec 4, I believe, spec 4 or PFC.

MR MACCRATE: There are many ways to spell HUTCHINSON.

A. H-U-T-C-H-I-N-S-O-N, as I recall.

Q. Thank you.

IO: He was assigned to the aviation unit, though?

A. That's right, (inaudible). At least the last 3 months.

Q. That was the brigade aviation?

A. Yes, I believe it has now merged with the 174th. It no longer exists.

MR WEST: As I understand you, he was formerly in either Alpha or Bravo 3/1?

A. That's right, whichever one ALAPAI was in.

Q. Then he went to Primo?

A. That's right. Check. He was there the last 3 or 4 months that I was in country. Did I say that HUXFORD was the other doorgunner when we witnessed the murder? I don't believe he was. If I said that, I don't believe he was.

MR MACCRATE: No, you said he was doorgunner for General LIPSCOMB.

A. Oh, okay. I think HUX was in the other ship, but I'm sure that he wasn't my doorgunner.

IO: Well, I'm glad you brought that up. I had another question I wanted to ask you.

A. All right.

Q. That slipped my mind. How did these aircraft, when you went out on a mission like that, how did you operate? You evidently didn't have any guns to protect you.

A. Yes, we did.

Q. I mean gunships.

A. No, the 23's were armed, the pilot in the middle and a passenger on each side; well, our passengers were gunners. They had a M-60 machinegun, and we had "mickey-moused" an ammo box up.

Q. Did you fly just one ship at a time?

A. No, we flew in pairs. One flew lead, and one flew wing. And we sort of contoured very low.

Q. Did you have any heavy gunships up with you to provide fly high and heavy protection?

A. No. I know that the 123d operated some missions like that, but we didn't. We just used the two 23's.

Q. Well, that's real helpful. I would like to say that we're very appreciative of your coming in. I had not intended to talk this long with you because we had known much of it before, with the exception of the part which you introduced concerning locating the woman lying alongside the road and the subsequent activity up north of the Diem Diem River and the other activity back generally to the north of Hill 85. Mr. MACCRATE indicated that if there's any additional leads, we would like to have them. I would like to ask you, with respect to that particular period, that day when you made the flight up there, I'm sure that you'll be doing some thinking. If you think of any additional points that come up, individuals or situations, circumstances, and so on, we'd like very much to know about them. In such event, it wouldn't be necessary for you to have to make a trip here. We can get somebody that can visit you to get the information. It would simply be a matter of getting in touch with Major LYNN or this office. He'll give you the essential data for contacting us so that we can take advantage of this. In the same sense, if you do have or can think of any documents which might be of value to us, maps, if you know of any photos, for example, of somebody taking photos on that trip you were on, or anything of this nature that comes to mind, we'd appreciate being notified about those, so that we can make arrangements to pick them up. In which event that you have them, we can have them duplicated and returned to you in a very short order. Before I conclude here, do you have any questions? Anybody else have anything they'd like to address to him? I'll give you this opportunity, Mr. RIDENHOUR, to ask any questions you'd like of this group or, if you'd like, to enter a statement into the record.

A. No, I have nothing.

Q. The hearing will recess at this time.

(The hearing recessed at 1507 hours, 29 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: ROBERTS, Jay A.

DATE OF TESTIMONY: 17 December 1969

TESTIMONY TAKEN AT: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Combat Correspondent with the 31st Public Information Detachment of the 11th Brigade.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

ROBERTS had training in the rules of land warfare and Geneva Conventions in basic training (pg. 90), and there was no question in his mind that the killing of women, children, babies, and PW's violated these rules (pg. 90). While in Hawaii prior to going to Vietnam, he attended several lectures which explained that our objective in Vietnam was to make friends and win the hearts and minds of the people (pg. 90). He was informed that we were not there to destroy the Vietnamese, but to eliminate the communist threat (pg. 90). He did not recall any specific instruction on the rules of land warfare given in Hawaii (pg. 90). He was not familiar with MACV Directive 20-4 and had no training concerning the reporting and investigating of war crimes (pg. 91).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The only briefing received by ROBERTS prior to going on the operation was that there was going to be a large combat assault and large fire fight (pg. 4). He did not know of any of the orders given to the men participating in the assault (pg. 4). On the morning of the 16th, he spoke with Captain MEDINA at LZ Dottie who put no limitations on his activities (pg. 35).

## 3. THE ASSAULT ON MY LAI.

a. ROBERTS' observations on arrival at the LZ.

Since ROBERTS arrived with the second lift (pg. 5), the artillery prep had ceased (pg. 6). As he approached the area from the air, he could see smoke and lots of gunship activity below him (pg. 6). However, he could not remember the gunships actually firing (pg. 6). The LZ was 150 meters from the treeline on the west side of My Lai (pg. 5). On landing, he heard what sounded like M-16 fire (pg. 6).

b. Movement with the third platoon.(1) Identification of squad and mission.(a) Identification of the squad.

ROBERTS believed he went with Sergeant WEST's squad (pgs. 4, 86). Although he had no recollection of WEST's name from the event itself (pg. 4), he knew it was WEST because of a picture taken by HAEBERLE showing ROBERTS moving with a squad (pgs. 4, 86). ROBERTS was informed by Lieutenant DUNN that WEST had identified himself as a person in the photograph when it was shown to him by the people from the Chicago Tribune (pg. 86).

(b) The mission.

The immediate objective of this unit was not the village itself, but rather its mission was to move parallel to the borders of the village in order to screen the people who were moving out of it (pg. 8).

(2) ROBERTS manner of moving with the squad.

ROBERTS had an M-16 and stayed in the center of the line somewhat behind everyone else (pg. 16). He remained about 10 to 15 meters from the man on his left and right (pg. 16). Because this was his first combat assignment, and the first time he had ever been in an area where there was fire, he was very careful of where he stepped so as not to trigger a mine (pg. 16). As he moved with the squad, he made the general observation that the ground had been torn up by gunship fire (pg. 17). It was not done by artillery because there were no large shell craters (pg. 17).

(3) Persons observed running from the village.

Upon arrival, his squad moved up the dikes and headed in a southeasterly direction toward Hill 85 (pg. 7). It was in line and moving very quickly (pg. 8). As the squad approached Highway 521, people were observed running west along the road away from the area of the village (pg. 8). The unit opened fire upon them at a distance of 75 meters and ROBERTS saw several fall (pg. 8). Because of the distance, he was unable to determine their combatant status at that time (pg. 8). Although he did not go up to them, ROBERTS did move closer and saw three of four military-age males dressed in black (pg. 9). Part of the squad chased those who had not been hit in a southerly direction from the road toward Hill 85 (pg. 9). ROBERTS marked the position of this action on Exhibit P-174 with a "1" (pg. 9).

(4) The firing of a helicopter into a hedgerow.

ROBERTS observed what he believed to be either an H-23 or a gunship pop red smoke to mark the position of some people hiding in a ditch (pgs. 9, 10, 12). The helicopter was circling the area it had marked at an altitude of about 50 feet (pg. 12). There was some firing from the helicopter (pgs. 10, 12). He did not remember if there was any firing on the ground by that position (pg. 12). The squad checked the bodies of the persons in the road and someone in the hedgerow who had been killed by either the helicopter or the squad and one man came back with a weapon which might have been a carbine or an M-1 (pgs. 10, 18). ROBERTS marked the location of this action with a "3" on Exhibit P-174 (pgs. 12).

(5) Observation of a dead woman and girl.

During the above action, ROBERTS went across the road, up to an irrigation ditch and into a field (pg. 10). On the bank of the irrigation ditch, he saw a woman, who appeared to be hiding, and an eight or nine year old girl who was either running away or moving about (pgs. 10, 11). On his return, he noticed that both were dead (pg. 10). The woman could have been dead when he first saw her because her position had not changed since then (pg. 11). However, the girl had been running around and when he returned she was dead (pg. 11). He could not say for certain that they were fired upon because he had heard no fire (pg. 10). These were the first non-military personnel that ROBERTS

recalled seeing dead (pg. 10). He did not come within 30 meters of them because by the time he reached the road the squad regrouped and began moving back toward the LZ (pgs. 11, 12). ROBERTS marked the location of this action with a "2" on Exhibit P-174 (pg. 10).

(6) Further activities of squad.

After regrouping, the squad moved back through an irrigation ditch (which ROBERTS marked with the figure "4" on Exhibit P-174) in the direction from which it had come (pg. 13). He heard some fire which sounded like carbine fire coming from a distance to the west (pg. 13). ROBERTS was not sure whether or not his squad was under fire (pg. 13). The squad noticed a couple of males at a distance of 75 meters to the west and opened fire on them (pg. 13). Both men fell but no one went over to check the bodies (pg. 13). ROBERTS marked the location with a "5" on Exhibit P-174 (pg. 14). The squad changed direction several times and at one point came very close to the LZ (pg. 14).

c. Initial movements at the village.

(1) ROBERTS meets MEDINA.

On seeing American soldiers near the LZ, ROBERTS left the squad and moved to the northwest corner of the village (pgs. 14, 15). MEDINA was here and ROBERTS requested an up-date report (pg. 46). This was about 0900 (pgs. 46, 48). MEDINA said that there had been approximately 35 to 40 VC camped in the village the previous night, but they had left about sunrise (pg. 19). The body count was in the neighborhood of 84 (pgs. 36, 48). ROBERTS thought that this was pretty high for only an hour and a half (pg. 36). MEDINA further stated that B Company had killed eight (pg. 46), who ROBERTS assumed were included in the overall body count (pg. 19). He did not ask about the method by which these people had been killed (pg. 36). He did not tell MEDINA about the dead woman that he had seen because he considered his job to be merely that of an observer (pg. 36). MEDINA told him that they had experienced minimum resistance (pg. 36), and that C Company had not lost anyone (pg. 51). ROBERTS was not certain of who was with MEDINA, but thought that the group included an interpreter, three RTO's and an old man (pg. 20). ROBERTS took notes in a notebook during this interview (pg. 48).

(2) ROBERTS' general movements within the village.

Neither MEDINA nor anyone else attempted to restrain ROBERTS or HAEBERLE in their actions or movements through the village (pg. 67). ROBERTS did not completely circle the village. His furthest movement east was about 50 to 75 meters beyond its southern line (pg. 65). Because MEDINA had said that C Company had not lost anyone, ROBERTS was not worried about getting shot (pg. 51). He did not recall asking MEDINA the extent to which the village had been secured (pg. 51).

(3) General impressions on moving into the village.

There was some burning in the area, but he did not recall everything being burned (pg. 19). He heard gunfire as he entered the village but did not remember thinking that it was hostile (pg. 45). ROBERTS marked the spot where he entered the village with a "6".

d. Observations within the village.(1) Observation of burning bodies in front of a hootch.

HAEBERLE rejoined ROBERTS during the conversation with MEDINA (pg. 44), and they moved together into the village (pg. 20). Originally, they moved with MEDINA but became separated from him (pg. 20). The first thing that ROBERTS recalled was coming upon a burning hootch (pg. 20). There were some bodies lying in front of it and some of the thatched roof had either fallen or been pulled down on top of the bodies (pg. 20). He had a vivid recollection of this because he recalled seeing a leg on a body contract (pg. 20). He marked the position of this action with a "7" on Exhibit P-174 (pg. 20). During his movements through the village, ROBERTS noticed a number of fires set by soldiers using kerosene (pg. 21).

(2) ROBERTS' observations of the killing of live-stock.

ROBERTS recalled watching people kill cows (pg. 21). One of the persons who was doing it complained that the cows were very hard to kill since both shooting and bayoneting had not proven immediately successful (pg. 21). The cows did not have much room to fall (pg. 21). ROBERTS marked the position where this occurred on Exhibit P-74 with an "8" (pg. 21).

(3) ROBERTS observes the killing of civilians.

ROBERTS saw a few soldiers bring a group of five to seven women and children out of a hootch onto the road (pgs. 21, 22). As they moved to the road, other soldiers joined (pg. 55). They were yelling "VC boom boom" and other things to frighten the women and children (pg. 22). The GI's accosted one of the girls and started to tear her blouse off (pg. 22). An old lady whom ROBERTS assumed was the girl's mother, tried to protect her (pg. 22). When HAEBERLE went up to take a picture of this, the GI's spotted him and turned their backs to the camera saying "Watch it, he has a camera" (pg. 22). HAEBERLE took a picture of the entire group. There was general indecision about what to do with these people because the soldiers did not know the location of a collecting area (pg. 55). Someone said "Kill them" (pgs. 22, 55, 56). ROBERTS did not know whether this was an order or a suggestion that happened to be acceptable to the group (pg. 56). He walked away because he did not want to see the women and children killed (pgs. 22, 40, 55). He heard some automatic fire, but did not know if it was from the M-60 in the possession of one of the soldiers (pg. 22). At a distance of about 30 feet, he turned and saw them all lying dead on the ground (pgs. 22, 40). Four or five soldiers whom ROBERTS did not know had participated in the act (pg. 23). He did not observe MEDINA or anyone else in the area whom he recognized as an officer (pg. 24). He did not know if HAEBERLE took a picture of the people lying on the ground (pg. 40). ROBERTS marked the position where this occurred with a "9" on Exhibit P-174.

(4) ROBERTS observes a man being dumped down a well.

ROBERTS next observed a man thrown from a hootch and dragged by another group of GI's who threw him down a well (pgs. 23, 58). HAEBERLE took a picture of this (pg. 23). ROBERTS marked the place where this occurred with "10" on Exhibit P-174 (pg. 23).

(5) Actions observed by ROBERTS at an intersection.(a) ROBERTS' observation of a group of bodies.

ROBERTS and HAEBERLE came to the edge of the village, and, at an intersection south of the village (which ROBERTS marked as "11" on Exhibit P-174), he saw a pile of bodies about 50 meters away (pg. 24). Despite the distance, he was able to determine that they were men, women,

and children (pg. 24). They were all in a group probably 15 to 20 feet from the road (pg. 24). He felt that these people were shot by small arms fire (pg. 42), because when he discussed it with HAEBERLE, they decided: (1) that all of these people could not have been standing on one spot and been hit by artillery fire (pg. 42); and (2) that if they had been hit by gunship fire, they would have been scattered along the road (pg. 42). HAEBERLE went out and got a picture of these people sometime later (pgs. 24, 25).

(b) ROBERTS observed the young child killed near this group of bodies.

ROBERTS saw a two or three year old toddler among these bodies (pg. 25). The child seemed to be searching or walking around (pg. 25). A soldier came up within ten feet of ROBERTS, dropped to one knee, got a good steady position with his M-16, and fired off a single shot which knocked the child down (pgs. 25, 60). He thought the soldier that did this was white but did not know for sure (pg. 25). He had not seen this individual at any other time during his walk through the village (pg. 59).

(c) ROBERTS meets with FLYNN.

About this time, ROBERTS saw one of MEDINA's RTO's named FLYNN whom he had known in Hawaii (pg. 25). When he asked what the company was supposed to be doing, FLYNN replied that they had had a meeting the night before during which they had been pepped up by a very forceful speech (pg. 26). FLYNN asserted, "We are going to get in there and clean out this nest of VC" (pg. 26). He did not tell ROBERTS what the exact orders were and seemed not to want to talk to ROBERTS (pg. 26).

(d) ROBERTS observes a wounded child killed in the intersection.

A wounded boy came to the intersection and stopped within eight to ten feet from HAEBERLE and him (pg. 26). The child had been wounded in his face and arm. He just stood staring into the village without crying or giving any indication of pain or distress (pg. 26). He had an expression of shock on his face (pg. 26). HAEBERLE moved within six feet of this youngster to take his picture (pg. 26). As he was focusing his camera, a soldier with an M-16 came up right next to ROBERTS and fired three shots into the child, knocking him over backwards (pg. 27). HAEBERLE was unable to

take the picture and just stood up and looked around in shocked disbelief (pg. 98).

(6) ROBERTS observes an old man shot at a hootch.

Immediately after the young boy was killed in the intersection, ROBERTS saw MEDINA (pg. 27). MEDINA saw the bodies near the intersection (pg. 27). He was walking in a westerly direction along the path that surrounded the village (pg. 28) and ROBERTS fell in behind him in order to listen to his radio and find out what was going on (pg. 63). About 20 or 30 meters down the road, they came to a hootch (pg. 28). An old man was brought out who was smiling and attempting to be friendly (pg. 28). The soldiers set him down on a stump in the front yard and the interpreter asked him some questions (pg. 28). The man was not of any intelligence value (pg. 28). MEDINA told the soldiers to burn the old man's hootch (pgs. 28, 62). He seemed to want his men to stop acting as if they had all the time in the world (pg. 62). MEDINA was asked, "What are we going to do with the old man?" (pg. 28). Appearing not to care and as though this were not the type of decision he was supposed to make, MEDINA said nothing (pgs. 28, 29). However, it seemed as if he had no desire to keep the old man and did not want to be bothered with him (pg. 29). ROBERTS can recall no gesture that MEDINA made at this time (pgs. 29, 30). MEDINA just ignored the question (pg. 29). The soldiers shot the old man (pg. 28). ROBERTS did not see him shot but knew he was (pg. 28). Although MEDINA did not see him shot either, ROBERTS was certain that MEDINA also heard the shots (pg. 28). MEDINA did not stop walking (pg. 28).

(7) Bodies observed by ROBERTS in the village.

ROBERTS did not recall seeing anyone alive in the village (pg. 32). All those whom he had seen alive were later killed (pg. 32). He saw about 50 bodies during his walk through the village (pg. 33). Of these, perhaps ten were military-age males (pg. 33). He saw about 20 people killed (pg. 33). He did not observe any bodies in the north or northeast sections of the village (pg. 68).

(8) General observations and impressions.

(a) Observations.

American forces seemed to be everywhere in the village (pgs. 52, 53, 64). They were checking each

hootch and destroying anything of value that they found (pgs. 53, 62). The fact that only some of the hootches were destroyed was a matter of convenience rather than anything else (pg. 62). A selective process was not involved (pg. 63). There was smoke and fire in the village and ROBERTS was unable to see a great distance into it (pg. 61). He could not recall talking to any of the soldiers on his walk through the village (pg. 68). He did not remember anything specific coming over the radio at the times he was able to hear it (pg. 64).

(b) Impressions.

As he moved from point to point in the village, he got the impression that the soldiers were going to completely annihilate it (pg. 61). There was systematic destruction (pg. 61). Some of the individuals destroyed with a good deal of exuberance; others just seemed to be doing their job (pg. 61). ROBERTS imagined he was aware that he saw atrocities, but he did not think that it was something he should report (pg. 68). He did not even tell MEDINA about the two small children he had seen killed because he did not feel it his place to tell the commander about his company (pg. 69). ROBERTS just tried to forget the whole thing (pg. 57).

e. ROBERTS and HAEBERLE move to B Company.

ROBERTS had been looking for American heroics in combat (pg. 66). By about 1100, he felt that anything of news value was in and thus asked MEDINA if he could get a helicopter to go over to B Company (pgs. 32, 34, 66). When he arrived at B Company, MICHLES was interrogating a large group of prisoners (pg. 69). He seemed to recall saying to MICHLES "Boy you guys sure aren't doing anything compared to what they are doing in C Company...They are really clearing that village out" (pg. 70). ROBERTS and HAEBERLE stayed with B Company until about 1300 at which time they returned to LZ Dottie on the helicopter upon which KOTOUC had come to the field (pgs. 34, 71).

f. Actions at LZ Dottie.

When ROBERTS arrived back at LZ Dottie, he tried to go into the TOC but was unsuccessful because CALHOUN did not want him in there (pg. 72). He did not get along too well with CALHOUN and thus did not know whether CALHOUN threw him out because he disliked ROBERTS or because there was something

that ROBERTS should not have heard (pg. 72). On his arrival, BARKER briefed ROBERTS on the operation and what had been accomplished (pg. 72). ROBERTS asked BARKER about the weapons to body count ratio (pg. 35). BARKER indicated that he did not feel it was necessary for him to comment on it (pgs. 35, 73). BARKER seemed to be happy with the way the operation had gone (pg. 35). ROBERTS did not take the opportunity to discuss the civilian casualties (pg. 73).

#### 4. INQUIRIES AFTER THE ASSAULT.

ROBERTS never heard anything about an investigation (pg. 79). He was never questioned by an investigating officer or the CID (pg. 80). He never heard any discussion about this incident from the aero-scout unit (pg. 101). He never heard anything about keeping quiet about it (pg. 99). He heard nothing about an attempt to cover-up or suppress the information of what had transpired at My Lai (pg. 99). He heard no references to it at all (pg. 99).

#### 5. OTHER INFORMATION.

##### a. ROBERTS' action back at the PIO office.

He had spoken with several of the people with whom he had worked in the PIO office and they could not remember him saying much of anything about the incident when he returned (pg. 82). However, he thought he said something about it to Lieutenant DUNN but he could not remember what (pgs. 77, 78). He also thought that he told several people in his office that he had seen a lot of people killed (pg. 74). But no one seemed interested to the point of wanting to do something about it (pg. 74). He recalled being revolted by writing an article that made it sound as if the operation had been very successful because of the large number of VC KIA (pg. 77). In his story, he said that the artillery was responsible for a large number of the KIA's (pg. 83).

##### b. Pictures taken by HAEBERLE.

###### (1) Picture taking at My Lai.

HAEBERLE wanted to show the atrocities that took place on both sides in the war (pg. 75). Thus, HAEBERLE had two cameras with him at My Lai (pg. 49). Usually, if HAEBERLE was interested in a subject he would shoot up a roll of film in a few minutes (pg. 49). However, at My Lai

he just seemed to be shooting things of interest and things that ROBERTS pointed out and ROBERTS could not recall him changing rolls (pg. 49). ROBERTS did not know if HAEBERLE took pictures on the operation that ROBERTS had not yet seen (pg. 87). However, the ones that he remembered being taken he has seen (pg. 87).

(2) HAEBERLE's use of the pictures.

ROBERTS was aware that HAEBERLE took pictures which were not turned into the PIO (pg. 75). Exhibits P-14, P-15, and P-16 were never referred to the commander or any senior member of the PIO staff (pg. 100). ROBERTS did not think that Sergeant STONICH ever knew that HAEBERLE had taken color pictures of My Lai with his own camera (pg. 101). STONICH did not like some of the pictures that HAEBERLE had taken, especially those of hootches being set on fire, and told HAEBERLE they were detrimental to the United States Army (pg. 100).

c. Training received by ROBERTS for PIO work.

ROBERTS did not recall getting any specific instruction on his duties as a PIO (pg. 84). He was given some pointers and indoctrination by Sergeant STONICH who told him what AR's to read and the type of work he was to do (pg. 85). He did not recall being told that they could or could not use their own cameras while on a particular assignment (pg. 75).

d. Use of marijuana.

From what he observed, the men of C Company were quite worked up (pg. 88). However, he saw no indication that they were using marijuana on this operation (pg. 88). GI's in Vietnam do not use marijuana during duty hours (pg. 88).

e. ROBERTS' knowledge of the body count.

ROBERTS considered the possibility that the 50 people he had seen killed were included in the 128 KIA figure (pg. 74). However, he was not certain what this 128 figure contained (pg. 74).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	Does not recall seeing or hearing of this regulation.	91
D-6	MACV Directive 525-3	Wit was shown regulation.	90
P-1	Aerial photo of My Lai	Wit recognized area from photo.	5
P-2, P-4, P-25	Miscellaneous Scenes	Wit could not identify photos.	93
P-3	Miscellaneous Scene	Identified as an old man being led from a hootch at point 12.	94
P-5	Miscellaneous Scene	Identified as taken between points 6 and 7.	94
P-18 thru P-23	Miscellaneous Scenes	Wit identified as being located in B/4/3 AO.	93
P-3, P-4, P-6	Miscellaneous Scenes	Wit identified as photographs taken in My Lai (4).	93
P-12 thru P-17	Miscellaneous Scenes	Wit identified as photographs taken in My Lai (4).	93
P-28, P-38, P-39, P-42	Miscellaneous Scenes	Wit could not identify photographs.	93

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-26, P-27, P-29	Miscellaneous Scenes	Wit identified as pictures of LZ.	93
P-30 thru P-37, & P-40, P-41	Miscellaneous Scenes	Wit identified as photos taken in My Lai (4). Shows an incident at point 9. P-41 shows body lying in road south of village.	93, 97
P-24	Miscellaneous Scene	Identified as man cutting corn between points 6 and 7.	94
P-6 thru P-12 & P-36	Miscellaneous Scenes	Shows CARTER being treated and dusted off.	94
P-13	Miscellaneous Scene	Identified as men on dike near #13.	95
P-14	Miscellaneous Scene	Took place where HAEBERLE wanted photo of hootches being set on fire.	95
P-15, P-35'	Miscellaneous Scenes	Man throwing basket in fire.	95
P-16	Miscellaneous Scene	Shows some bodies burning with straw on them.	95
P-21, P-22'	Miscellaneous Scene	Identified Sgt. MINH and Bull JOHNSON.	96



(The hearing reconvened at 0906 hours, 17 December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL MILLER, COL WILSON, COL FRANKLIN, and MAJ LYNN.

The next witness is Mr. Jay A. ROBERTS.

(MR ROBERTS was called as a witness, was sworn, and testified as follows:)

Mr. ROBERTS, will you for the record state your full name, Social Security number, and address?

A. My name is Jay A. ROBERTS. My Social Security number is I live at 4814 South First Street, Arlington.

RCDR: Thank you.

IO: Mr. ROBERTS, before we proceed with any questions I would like Colonel MILLER from The Office of the Judge Advocate General to advise you on certain matters.

COL MILLER: Mr. ROBERTS, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the United States Army for the purposes of determining facts and making findings and recommendations concerning the following matters:

(1) the adequacy of prior investigations and inquiries into, and subsequent reviews and reports within the chain of command, of what has commonly come to be known as the My Lai incident of 16 March 1968, and

(2) the possible suppression or withholding of information by any person who had a duty to report or to furnish information concerning the My Lai incident.

The investigation is not being conducted to investigate all the facts and circumstances of what happened at My Lai on the 16th of March, but it is directed to those specific purposes that I have stated.

General PEERS and the rest of us have made available to us, and we have reviewed,

(ROBERTS)

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prior official statements obtained at other official investigations of the My Lai incident, and this includes the statement you have made.

Your testimony will be taken under oath. A verbatim transcript will be prepared. Also, a tape recording is being made in addition to the verbatim notes taken by the reporter.

Although the general classification of this report will be confidential, it is possible that certain testimony, either some of it or all of it, may later become a matter of public knowledge.

There are, as you see, a number of people in the room. Any or all of us may ask you questions. First of all is General PEERS, who is the Investigating Officer in this case. On his immediate right is Mr. MACCRATE, and on your immediate left is Mr. WALSH. They are both civilian attorneys who have been made available by the Secretary of the Army to General PEERS as civilian legal advisors and counsel. On General PEERS' immediate right is Mr. WEST from the Office of General Counsel of the Army, and he is General PEERS' deputy. In addition, Colonel FRANKLIN, Colonel WILSON, and myself are assistants to General PEERS, and we may also ask you questions. Even though we ask questions, General PEERS has the responsibility of weighing all the evidence, and making the findings and recommendations in this case. That is his responsibility.

Do you have any questions as far as I have gone?

A. No, sir.

Q. I would request that you do not discuss the testimony in this investigation with others, including other witnesses for this investigation, except as you may be required so to do before a legislative, judicial, or administrative body. I understand that you may also be a witness in the case of the United States v. Calley. Have you received any notification to that effect?

A. No. The information that I was told is that they probably wouldn't call me because there is nothing new in my testimony.

Q. If you are, it doesn't matter. As a witness, it is very likely that you will receive an order with respect to the discussion of your testimony, and if you have already received orders or if you do receive such an order, it in no way changes the applicability of that order. That's all I have, sir.

IO: Do you have questions to this, Mr. ROBERTS?

A. No, I don't.

Q. What was your duty assignment on the 16th of March, 1968?

A. I was a combat correspondent with the 31st Public Information Detachment of the 11th Brigade, and my assignment was to cover the combat assault at My Lai.

Q. What was your grade at that time?

A. Spec 5.

Q. Specialist five. How long had you been with the PIO detachment?

A. About 8 or 9 months.

Q. How long had you been in country?

A. About 3 months.

Q. You were with the 11th Brigade, or part of an attachment to the brigade?

A. Yes, sir.

Q. And subsequent to the 16th of March, how long did you remain with the detachment or with the brigade?

A. I remained with them until about the 4th of September of that same year.

Q. And what happened at that time?

A. I rotated to the States and I was discharged.

RCDR: Excuse me, sir. Would you speak up just a little bit.

IO: I would like you, Mr. WEST, to direct the questioning.

MR WEST: Mr. ROBERTS, would you describe for us the events of the morning of 16 March 1968 relative to your participation in the action at My Lai (4)?

A. In what detail? Do you want me to go through it step by step?

Q. Yes. If you would, from the beginning. Where were you on the morning of 16 March 1968? At Landing Zone Dottie, for example?

A. I started out at Landing Zone Bronco at Duc Pho. My photographer, Ron HAEBERLE, and I caught a helicopter pretty early and went to LZ Dottie, and there we went down to the staging area for the combat assault. I believe I had talked to Captain MEDINA to find out who I would be going with. He assigned me to somebody, I believe it was a sergeant, who said he would take me along on the second lift.

Q. Do you recall the name of the sergeant?

A. Since that time, due to some of the pictures, I have been told it was Sergeant WEST, but I have no recollection of any of the names of individuals other than Captain MEDINA.

Q. Going back a bit, had you received a prior briefing on this operation?

A. None, other than that all indications pointed to the fact that there would be a, what we term a "hot CA." There would be action there, and probably be a large fire fight, and might turn into a rather large combat assault. We were to be ready for anything.

Q. Did you hear any orders given to the men that were participating?

A. No, I didn't. When I arrived at LZ Dottie they were already staged and waiting for the lift.

Q. Do you recall about what time this was?

A. About 0730.

Q. Will you go ahead, then?

A. Okay, we went out with the second lift, I believe, and landed in an area in a paddy west of the hamlet referred to as My Lai (4), I believe.

MR WEST: Could I have the aerial photo of that.

(The recorder handed Exhibit P-1 to MR WEST.)

Q. Mr. ROBERTS, this is an aerial photograph of this area that you may recognize. Put it down on the table in front of you, if you will. It is oriented to the north. Perhaps it would help you to look at the map, which has been marked as Exhibit MAP-4, and you can orient that to the pictures in the photograph. Here is My Lai (4). Do you recognize the area?

(MR WEST orientated the witness to the map and photo.)

A. Yes. Of course, my memory is a little foggy due to the year and a half or 2 years it's been. I do recognize the area. I had studied the map before I went out to be familiar with the area, so I would know where certain units were.

Q. Would you indicate generally on the photograph the area of the landing zone of Charlie Company?

A. Well, the area in which I landed in the lift that I was with was west of the hamlet, somewhere in this area in here, I believe (indicating on map).

Q. About how far from the tree line in the hamlet of My Lai (4) was that?

A. I would guess maybe 150 meters. It was a good distance.

IO: I might add here for your information, Mr. ROBERTS, the scale of this aerial photo is 1 inch equals about 100 yards or 100 meters, roughly.

A. I see. Do you want me to continue?

MR WEST: Yes, if you would please. For example, was it a contested assault? How was it when you approached the LZ?

A. When we approached the area from the air I was sitting in the doorway of the chopper. I could see smoke, some marking smoke and some other smoke, and a lot of gunships below us. As we came in from around 1,500 feet I could see a lot of helicopter activity and a lot of smoke, and I could hear as soon as we got on the ground some gunfire. I couldn't identify it. At the time it sounded like M-16 fire, and after I got on the ground I wasn't too worried about being shot, after I once got established.

Q. While you were still in the air did you or could you observe artillery preparation?

A. No. If there was an artillery preparation, which I, of course, assume there was, I would imagine that it was completed before this, because I was in the second lift. The first lift, I assume, came in sometime before it.

Q. Was there any gunship firing at this time in support of the second lift?

A. I don't remember if there was any firing. There were a lot of gunships, and an OH-23 observation chopper running up and down the hedgerows and around the edges of My Lai, but I don't recall at that time--I don't remember any of them firing or not firing.

Q. Did your ship receive any fire?

A. Not that I know of.

Q. Well, will you go ahead and describe what happened after you got there?

IO: Could I ask that you use this pencil, Mr. ROBERTS, just to indicate locations of places, and I might say, after we finish, one of the things that I'm going to request you to do is to sit down with Colonel WILSON and to mark the photo, and to identify the locations comparable to the map you made as part of the testimony. For consistency, we would like to have this put on a photo, which you can do with Colonel WILSON later on.

A. Okay, sir. We landed, as I say, in this area here (indicating west of My Lai).

MR WEST: Would you mind marking that with an LZ?

A. About, as I say, 100 to 150 meters west of the hamlet, and we immediately climbed up the paddies to give us some cover along the dikes. The sergeant in charge of the squad we were with called his men together, and radioed for instructions, and then spread them out along the line that we were in, east and west on the map, and began to move south or south-southeast in the general direction of this hill. Do you want me to refer to it by number?

Q. Yes.

A. I think it's Hill 85.

Q. Yes, you can recognize it on Exhibit MAP-4.

A. I would assume that this is the hill. I remember a hill in the background of the direction that we were moving.

Q. Before we get away from the subject, for the purposes of identification, was he a colored sergeant?

A. I think he was. As I say, I spent a lot of time thinking about this entire operation, and I can't get away from it. It's staring me in the face every day, and I don't at this point--I'm almost not sure of the specifics that I remember and the specifics that have been brought up in other people's testimony that has been raised. As near as I can remember, it was a large man, and I think he was a colored man, but I'm not sure.

IO: Fine. Let's stop here just a minute. Just as a matter of assisting you in clearing up your discussion, and also for our clarification, the way we have the maneuver outlined to us is that the 1st Platoon was to take the southern part of the village moving from west to east. The 2d Platoon was to take the northern part of the village, although it was later indicated that at least part of them, during the early part of the operation, did move out into

this open area to the north. The 3d Platoon was to be in the rear to more or less clean up the village after the others had passed through it. The command and control group was in the rear of the first two assault platoons. Now, the reason I ask this question is when you landed there in the second lift were you with the 2d Platoon or were you with the elements of the 3d Platoon.

A. I don't know, but from what you have said and from what took place later I would assume that I was with the 3d Platoon. Our immediate objective did not appear to be the village. It appeared that we were to move in the area parallel to the borders of the village and to stop anybody that was running away or to secure it, or whatever our mission was. It appeared to me that we weren't in a hurry to get in; and later when I did go in, there were people already in there, so I assumed that they must have been elements of the first two platoons that went in.

MR WEST: All right. Go ahead, Mr. ROBERTS.

A. So we moved south-southeast in the general direction of this hill; and at first nothing took place other than their moving very fast, and I assumed that the squad leader had orders to get to a certain place and pick up somebody or something like that. We were almost running part of the time, and as I say, my memory is somewhat foggy on this, and I'm just going to have to guess at the particular area that we came to, as we went along.

Q. To the best of your recollection.

A. Right. We approached the road. It appeared to be a rather heavily used road--a main road. It was built up from the level of the rice paddies, and from this aerial photo I would assume that it might be this road that runs from east-northeast to west-southwest. On MAP-4 here, it is referred to as 521. I'm not sure of that because of that waterway there, but I know we crossed an irrigation ditch. I didn't have a map along with me at the time, but as I say, we approached this road after being on the ground for a short period of time and there were some people running west along this road, away from the area of the village. The unit I was with opened fire on them, and I saw some people fall. I guess we were probably 75 meters from them, at least, at the time they opened fire on them. I was unable to identify any of the people at that time.

Q. Could you tell whether they were men, women, or children?

A. As I say, I couldn't identify any of the people when they opened fire.

Q. Would you mark the spot where the people were when they were taken under fire? You might mark it with a 1.

A. As I say, I'm really guessing at the position of these things, but I would assume in this area, almost, according to this photo almost due south of the village. (Witness marks on the aerial photo which is later admitted as Exhibit P-174.)

Q. Around Highway 521?

A. Right, along Highway 521.

Q. Before we leave that, did you contact Captain MEDINA? Had you seen Captain MEDINA up to this time?

A. As I said, I believe I talked to him when we were at LZ Dottie.

Q. I mean on the ground.

A. On the ground, no. I was still with the squad I landed with, and those are the only friendly forces that I had seen.

Q. All right.

A. When we came to this road where these people had been moving, I could see a small number--three or four bodies that had been hit in the road dressed in black. I didn't go up to them but it looked like some military-age males, and from the activities that were taking place I knew that some people had run off the road in a southerly direction, more or less towards this hill referred to as 85; and some of the men that I was with went across the road and continued on in that direction chasing these people, and I believe there was an OH-23, an observation chopper, over there. That was along a hedgerow along this road and they dropped smoke to mark the position where they saw some people

hiding in a ditch. These people that I was with, this squad, was moving in that direction--or some of them were. Some of them had gone to search the bodies in the road and were securing the general area there, and to see if there was any enemy activity. I went across the road and went to the irrigation ditch and up into this field, just beyond the road, and there was some firing out of the helicopter at that time and one of the men brought back a carbine or an M-1. I don't recall exactly what the weapon was.

Q. Firing from an H-23?

A. I believe so, they usually had an M-60 hung with a canvas strap in the doorway to make them more versatile. I think that's what part of the chopper it was.

Q. Was HAEBERLE with you at this time?

A. HAEBERLE stayed in the area of the road. When I went out into the area of the field, he was north of me. I believe he went out to look at the bodies with the people searching the bodies. On the bank of an irrigation ditch beyond this road that I crossed, there was a woman and a girl, or what appeared to be a girl, and when I crossed the road it appeared that the woman was hiding on the bank and the girl was running away or in some way I remember her being active--running around. When I came back I noticed that the woman and the girl were dead on the side of this bank, and the woman was in the same position where she had been when I crossed it. I don't know whether she was dead then or--

Q. Could you mark the spot?

A. It would be in the area that I marked as 1. It would be on the side of this road. I guess I'll refer to it as 2 for the purposes of the record.

Q. All right. The record will indicate it.

A. This is the first time that I had recalled seeing anyone that you might assume was not a military person that was killed, and I have no way of knowing if she was fired upon. I didn't hear any fire at this time.

Q. Could you give an indication of the age of the girl? Was she a small child?

A. She was probably 8 or 9. She was large enough to be running around taking care of herself. She was smaller than an adult. I didn't go probably within 30 feet of these people because by the time I returned to the road the squad had regrouped, and I guess they had received further orders on the direction that they were to move in.

Q. You were ready to move out then?

IO: How far from the road was this location of this woman and this girl?

A. They were on a bank of the irrigation ditch which was just south of the road, right along the road. As I remember, a line of trees was running along the road and an irrigation ditch, and then it went out into a field toward the hill, and she was on the bank of this ditch right along in this area that the people that had been shot on the road were.

Q. South of there maybe 10 meters? 30, or 40, or 50 feet?

A. Not even that far, sir, just off the road maybe 15 feet.

MR MACCRATE: Was the young girl definitely alive when you went into the field and dead when you came back? You said you were not clear about the woman. So far as the young girl was concerned, do you have any clear recollection one way or the other?

A. As I remember--as I say, all this is very foggy and only clear to the extent that I have been rehashing in my mind since this has all been brought up--but as I recall, the woman was in the same position she was when I first saw her. I don't know whether she was killed before or after I crossed the road, but as I remember, the girl was running around when I crossed the road and was dead when I came back. That is as close as I can remember.

MR WEST: Mr. ROBERTS, will you continue with your story?

A. Yes, sir. As I say, we regrouped in the area of this road, and started back in the same direction that we had come--back towards the LZ, which would be north-north-west.

Q. Before we leave this point, Mr. ROBERTS. In your statement to the CID you mentioned, about this time, a gunship firing into a hedgerow?

A. Well, this is when I was referring to the OH-23. I'm not clear whether it was a gunship or an OH-23. They both provided fire from the air, because all the observation choppers had--or all of ours had--M-60's mounted on them, but this was the incident that I referred to.

Q. I see. Did it hover while it was firing?

A. Well, it dropped smoke at first, and the men ran over there because it was red smoke, or something that indicated the enemy. Then I thought that I got a whiff of CS, of tear gas, but nobody was masking and I didn't either, but I had the impression that there was gas. They may have dropped gas into the ditch to flush out these people, and the helicopter was circling or hovering or staying in this particular area where they marked, and there was some firing over by the chopper. I don't remember if there was any firing on the ground over by that position.

Q. All right. Do you recall whether it had a bubble-top? Was it that kind of helicopter?

A. As I say, I'm not clear. Now that I think about it, I think it was probably a bubbletop, but it could have been a Huey gunship.

IO: There is a possibility that there could have been both. May it not have been?

A. They would have had a lot of trouble getting both of them in there. He was very low, he was staying about 50 feet above the ground. He was staying right above the ditch circling and hovering. As I recall, there was only one ship there. I'm not sure which one it was. Then,

as I say, we moved back in the direction that we had come, retracing our steps.

MR WEST: Could you mark a 3 with an arrow to indicate it?

A. We moved back through the same irrigation ditch. I'm not sure--this may be it here (indicating). I know we crossed an irrigation ditch going over, and also crossed it going back.

Q. Could you mark that, please, with a red 4.

A. At the irrigation ditch? I would assume that it would be at this line of trees right here (marking the exhibit) and when I came up to the rice paddy I noticed that there was an irrigation ditch running--I remember we heard some fire to our left which would be west. It sounded like carbine fire. It was a light "pop" sound, and definitely was not an M-16. Two or three rounds--four or five rounds fired individually, but it wasn't close. It wasn't any close sound.

Q. Up to this time your squad had not been under fire?

A. No. At that time I thought we were under fire, but I wasn't sure whether we were being fired on, or somebody in another unit was being fired on, because I couldn't see where the fire was coming from. We heard, as I say, off to our left--which would have been west of where we were moving--and we saw a couple of people who looked like males that we spotted west of us, maybe 75 meters,--a good distance anyhow from us--who were in these rice paddies, not in the road. The people that I was with opened fire on them. It was in the direction of the sound but I didn't see them shoot, and both of them fell and one of them got back up and I saw him hit. I saw his head explode as he was hit. They both fell and nobody went out there to check out the bodies because it wasn't in our path. I assumed we were moving to meet somebody or something like that. We were moving pretty fast.

Q. They were taken under fire with M-16's?

A. Yes, sir.

IO: I think it would be wise to mark the place.

A. I think it would be in the area--I will mark it 5. According to the scale it may be too close but that's the way I remember it. We continued to move back in the direction of the LZ. I think we turned around once and moved back toward the hill and turned around again, moved back toward the LZ, and we spent some time out there moving back and forth in the southern and western area from the hill.

Q. The sergeant had a radio?

A. He had--I forget the terminology--a small hand radio.

Q. Did he operate it himself or did he have an RTO?

A. Yes, he was operating it himself. It wasn't a PRC-25. It was smaller.

IO: And did his helmet have an attached receiver with it and a hand transmitter?

A. I believe that is the radio that he had--a helmet receiver and hand transmitter because as I remember it, it wasn't a PRC-25. The only other radios that I can recall were of that variety with a hand transmitter. I know he was talking into something. This is what I recall and if it was a squad leader, that is the type of radio that he usually used. Anyhow, I can't remember any other events that stand out, other than we were moving back and forth in this area for some time until at one point we were very close to where we had landed. I could see soldiers over there, American soldiers, and I wanted to get in the village because, of course, that was my job as a reporter, to be where things were going on, and nothing was going on over there. So I went over to the corner of the village. I'm not sure--

MR WEST: (Interposing) Did you leave the squad at this time? Would you mark that with a 6 where you left the squad.

A. I think that it would probably be in this area (indicating). I know that it was on a rounded corner of the village. I would assume that it would be this northwest corner because of where we came out, but as I say, I wasn't really familiar with the area. I didn't have a map.

Q. Before we leave this thing, does anybody else have any questions? General PEERS?

IO: Well, I think that it is very pertinent here in tracking down as closely as we can exactly where Mr. ROBERTS came to this point, because this is the base of the subsequent movement.

A. Yes, sir. Well, as I say, because of where we came out later I think it would be in this northwest corner of the village here (indicating) that I have marked with a 6. I didn't go over movements that night with a map and there is nothing that I had as a reference point other than the fact that I met Captain MEDINA in that corner at that time. It was about 9 o'clock in the morning.

Q. Was this group of people that you saw there, were they involved with the individual who had been wounded?

A. No, from where we were when we were with the squad it looked like they were searching the hedges and the hootches around the edge of the village. When we went over there I found Captain MEDINA there directing the searching, and they had an old man there that they had been interrogating.

MR WEST: Could we finish with this other phase?

IO: Yes.

MR MACCRATE: As you were moving with the squad in a southeasterly direction, how would you proceed? Were you carrying a weapon?

A. Yes, sir. I was carrying an M-16 and HAEBERLE had a .45, and I was stepping gingerly across the rice paddies, being careful where I placed my feet.

Q. And where were you in relation to the squad?

A. We were on line, and I was probably near the center of the line and hanging a little back, too. Just a little bit. HAEBERLE took a picture at the time of the squad moving, and it was later printed in a division magazine. I don't remember where else, but I was the last individual in the back there, and everybody else was looking forward, and I was looking down. I recall that I was looking for mines, and was being careful of where I stepped.

Q. Had you been out on a combat assignment before?

A. No. I'd been out in the field several times, but never on a CA, and never in any area where there was any fire. I'd landed with groups that were already on the ground, and was there to do a story on that movement and operation, and then left again. I had never come in with a CA, I believe, until this time.

Q. Just one final question to help orient me here. About how many feet distant were you from the man on your left and from the man on your right when you were moving in this line?

A. I think 10 or 15 feet. When they were doing that type of thing they tried to move in a way where they would be close enough to cover everything, but far enough apart so that if one of them tripped a mine or received hostile fire or something, only one would be injured.

MR WEST: Colonel MILLER?

COL MILLER: As you were coming in, you said there were a number of gunships below you. Do you remember approximately how many?

A. No, sir. I don't. I just remember that there were a number of them, and that they were moving around. It appeared that they were checking out hedges and tree lines on the edge of the village.

Q. Could you tell if they were firing?

A. Not from the air, I couldn't tell. There were indications when we were moving earlier here along the ground--there were indications of a lot of fires along that irrigation ditch that I marked as 4. There was a lot of ground torn up by what looked like--at first I thought it could have been the artillery prep that did it, but now I've decided that it was probably machinegun fire that had torn up the ground. There were no large shell craters or anything. It was just torn-up ground.

Q. It could have been gunship fire, you mean?

A. Yes, sir.

Q. Did you see more than one OH-23?

A. I don't recall.

Q. I do have one other question. You mentioned that you had learned something of the area from a briefing. Where did you get that briefing?

A. Well, that's not exactly accurate. I learned something of the area, because I was told where the CA would take place the night before. I guess it was at the information office. It was probably Lieutenant DUNN. They told me where I was going to go--where the CA was going to take place. We looked it up on the map the night before, and this map here referred to as MAP-4 is probably the one I had, so I got familiar with it. Just an overall layout of the terrain, where the river ran through it, and the small villages along it.

COL WILSON: You mentioned that the H-23 popped red smoke while you were down by the road, and that this signified enemy. How did you know that this signified enemy?

A. This, again, is what I remember. I don't know whether I did know it at the time, but I did know afterward, if I didn't know then, that a helicopter will drop smoke. There are three designated colors to indicate the enemy in a hedge, if they can see from the air, and they don't think the men on the ground are aware of it. As I say, this is what I recall took place.

MR WALSH: Mr. ROBERTS, you mentioned in both your prior statements that you were back up with the company commander.

A. Well, I talked to him at the time and I asked him what had happened and how everything was going, and then I took notes, which were very brief, which said that I met Captain MEDINA at 9 o'clock. At that time I think they had KIA's which is enemy killed, and they captured something like 20 of them. Anyhow, he gave these figures at that time and I put the time down in my notes. That's why I remember that it was 9 o'clock.

Q. You were in the second lift and from other indications that we have you weren't on the ground much before 8 o'clock, and you seemed to have covered pretty near a kilometer going down to the road and around, and another one coming back again. That seems to be pretty good moving through there.

A. That's why I say all these things are not clear to me, but we were moving fast as I have indicated.

Q. Do you have any recollection as to why you made the trip down to the road?

A. I was following the squad.

Q. You didn't know what the squad's mission was, to go down the road and back again?

A. No. At the time I assumed that they were going to cover the west and southwestern area of the hill to prevent escape. When they saw these people moving along the road, they went over there. I don't know why they moved back that way instead of moving into the village, other than that I assumed that the squad leader received orders.

Q. Did they check any of those people?

A. No. The people in the road that they killed-- they checked the bodies of those people, and they evidently checked somebody in the hedge that had either been killed by the helicopter or by themselves. I think by the helicopter. One man came back with an enemy weapon.

Q. Do you remember seeing any large body moving down this road in that direction, the southwest, on the Highway 521?

A. Just those that I spoke of, which were probably all together, which included the ones that ran away--that I didn't see killed. It couldn't have been, I don't think, more than 10 people.

MR WALSH: Thank you.

MR WEST: All right. Mr. ROBERTS, would you please continue from point 6 on the photo?

A. Point 6, as I said, was the area that I believe I met up with Captain MEDINA in the northwest corner of the village. I talked with him at that time to ask him how it was going. I knew him before. I had known him in Hawaii, and he knew me, and he knew what I was out there for. He told me the number of enemy that they killed--captured in the total operation, which I assumed included B Company at the time, and I asked Captain MEDINA what he was saying. He told me that there had been, I seem to recall, 35 or 40 Viet Cong camped there in the village that night, but they left about sunrise. This is the information that I recall getting from Captain MEDINA. At the time, I saw other GI's engaged in searching hootches right along this area at the edge of the village there, and there was, I believe, a hootch burning nearby. There was one GI that I remember, right at this time, who was cutting down a crop of corn--each stalk at a time, which I just couldn't believe. The poor guy was bent over there, leaning down, whacking off each stalk individually. So, I got into the spirit of things and tromped on a couple, and moved on into the village with HAEBERLE.

Q. What was he using, a bayonet?

A. I think he was using a rice knife.

Q. Was there much burning in the area?

A. Right down in the village, I saw something burning. I don't recall everything being burnt.

Q. Could you describe who was with Captain MEDINA in his party when you met him there?

A. No. I know that there was an interpreter there, and I assumed that there was an intelligence person there, or somebody--whoever was working with the interpreter to talk to this old man, because Captain MEDINA was getting all this information secondhand.

Q. How about an RTO?

A. Well, he always had RTO's around. I think there were about three men with radios that were either with him, or they were probably RTO's for the other platoon leaders that were around him quite a bit, too. I'm sure that there was at least one of them, because one stayed with him all the time.

Q. Do you remember anyone else in his group?

A. No, sir. I don't.

Q. All right. Please go ahead.

A. At this time HAEBERLE and I moved on into the village. Captain MEDINA was moving into the village directing search and destroy operations. We moved in with him and became separated. Our paths crossed several times, eventually. We moved in, and the first thing that I remember was that we came upon a hootch that was burning. It had a concrete porch or a porch built up. There was some bodies lying in front of it, and some of the thatched roof had either fallen or had been pulled down on the bodies, and was burning. The reason I recall it so vividly is when I look at it, the body that was lying on the ground, its leg contracted. Its knee went up in the air, and it really startled me.

Q. Was there burning straw on top of the body?

A. Yes, sir.

Q. In looking at the aerial photograph, could you spot the approximate place where this was?

A. I'll mark it number 7.

Q. Was Captain MEDINA with you at this time?

A. I don't recall anybody being with us at this time. There were people around.

Q. When you say "us," you mean you and HAEBERLE?

A. HAEBERLE, yes.

Q. Go ahead.

A. Anyway, HAEBERLE took a couple of pictures of that. I don't recall which camera he took it with, but I think it was a colored shot of it, as he at least took one with his own.

Q. We'll look at some photographs pretty soon.

A. Let's see. We continued to move through the village, which would be south. I watched some people search the hootches and pour some kerosene or some type of oil on the hootches to get them started. I saw some guys throw some hand grenades in the holes and--tunnels, bunkers, or whatever they were.

Q. Did you see any livestock at this time?

A. Yes, right in this area here (indicating) there were pens with cows in them and--

Q. (Interposing) Was this around point 7, do you mean?

A. Yes, sir, probably south of 7. You want me to mark it?

Q. Please.

A. I'll mark it as 8. We were progressing southerly through the village, and the next thing I saw they were dropping a grenade down a hole, and there was a pen with cows in it, and they were killing these cows. I recall one of them saying how hard cows died, because they had shot them a few times, and they all had bayonets mounted, and they stabbed the cows a couple of times. They didn't have much room to fall, anyhow. They just stood there and moed and didn't fall, and I think it was finally down to its knees at that time. I wasn't too interested in that, but we were moving down the road, and HAEBERLE would go up and take a picture of something he saw, and we progressed. The next thing that happened was they brought out some people, women and children,

out of a hootch west of the path we were following, out into the path or road, or whatever it was. They were yelling at them, "VC boom, boom," and things like that, indicating that they were trying to scare these people, in that they were probably Viet Cong and--

Q. Could you locate the place?

A. Yes, I'll mark this as 9. They grabbed one of the girls and started to tear her blouse off, as I can remember, and an old lady who, I guess, was her mother or related, was biting and kicking and scratching and fighting off all these GI's that were harassing this girl. HAEBERLE went to take a picture of this thing, and they spotted him and his camera, and everybody froze and turned their backs and said, "Watch it. He's got a camera!" They stopped what they were doing, and they all turned away, and HAEBERLE took a picture of the group of people. There was some discussion as to what they were going to do with them, and somebody said, "Kill them." I started to walk away from them, because I didn't particularly want to see this. Anyhow, there was a lot of firing. One GI had an M-60. I didn't know if they used that. There was some automatic fire. I don't recall whether it was the M-60 or an M-16. I'm not sure, but anyway I went on and turned around. I think HAEBERLE stayed behind for a little while. I know we got separated there for a minute or so.

Q. About how far away were you when you turned around to look?

A. At the time I turned around I was probably 30 feet away.

Q. You had a clear view. It was not obstructed by bushes?

A. No, it was right on the road.

Q. About how many people were in this group?

A. Five or six or seven. A small group. They were all brought out of one hootch, which was off to our left in the direction we were moving.

Q. Do you recall the number of soldiers that were there?

A. Probably four or five.

Q. Did you know any of them?

A. No, I didn't.

Q. Any distinctive features about them?

A. I can't remember any of the individuals at all.

Q. Were they black or white?

A. I think they were a pretty mixed group, as far as I can recall. There was a guy with an M-60, as I remember, and a couple of other guys. The guy doing the yelling was white, but I don't remember who did anything.

Q. Do you remember the rank on his arm?

A. I don't recall. A lot of the people didn't have much rank on their uniforms.

Q. I understand. All right, would you continue?

A. The next thing I recall was seeing a body being thrown out of a hootch, or from the direction of a hootch. It was being dragged by two GI's, and was dumped down a well. HAEBERLE wasn't with me right at the time I saw this. He came up about the time they dumped it down the well. I said: "Did you see that? They dumped that guy down the well." And he went over and took a picture of it.

Q. Would you mark the spot, please.

A. I'll mark it as 10 on that. I would assume that it would be in the path--

Q. (Interposing) Yes.

A. But as I remember, those are the only incidents that I can recall as we moved through the village, other than the normal figures that I later saw quite a few times. People setting fires, dumping rice out on the ground, and scattering any other supplies they might have in the hootch.

Q. Going back to point 9 for a moment, did you observe Captain MEDINA in the vicinity of the group of men, women, and the soldiers?

A. No, sir, I didn't. I don't recall talking to Captain MEDINA. I remember seeing him at various times, but I don't remember questioning him or talking to him at any time that I was moving through the village. I saw him at different times between hootches directing operations, and I could hear some gunfire, but it all sounded friendly. No one was worried about it.

Q. By this time did you see anybody else whom you recognized as an officer?

A. I don't recall, sir. I know, of course, that if there were two platoons in there, then there were two junior officers in there, but I don't recall. I didn't know anybody else other than Captain MEDINA and I didn't care. I wasn't writing a story on individuals, and I didn't think that it was necessary, unless something took place where an individual would need to be highlighted.

Q. Up to this point, then, you hadn't observed any officer other than Captain MEDINA?

A. No one that I recognized as an officer. As I remember, we came out to the edge of the village at this time at an intersection here that I'll mark as 11, south of the village, in the road which comes out of an intersection marked as 11. There was a pile of bodies about 50 meters away. Anyhow, far enough away so that I could identify the clothing and the fact they were men and women and nothing else other than--and children--and I wondered whether they had been hit by an artillery barrage or why they were lying there.

Q. Could you describe how they were lying? Were they all grouped together? Were they all strung out?

A. They were all in an area of probably 15 to 20 feet along the road. They seemed all to be in one particular area out in the road and a ways up from us. Maybe it wasn't quite 50 meters. At least it was a good ways from us. The progression of events that I can remember after this may be somewhat distorted because we stayed in this general area for the rest of the time we were with Charlie Company.

Q. Did HAEBERLE take some photos of this group?

A. He went out there later, not right at the time

we came out there, but he went out there later and took a picture. I didn't go out there. The first thing that happened with that group was there was a small child--a toddler, maybe 2 or 3 years old--young. It was right in the area of these bodies and seemed to be searching or walking around, and a GI came along and saw him out there--saw that we were watching--dropped to one knee, got a good steady position with his M-16, and fired off a single shot and dropped the child, and I don't recall being revolted by it. I guess because of the distance, but it just seemed awfully strange. Probably any number of things ran through my mind, but I just recall this happening, and it was after this that HAEBERLE walked out there and took a picture.

Q. Could you describe the soldier that fired on the child?

A. I think that he was white, but I don't remember for sure. I don't have any recollection of any individuals other than a guy, FLYNN, who I believe was in the area at that time.

Q. I believe you mentioned FLYNN in your statement?

A. Yes, but I don't recall whether he saw that, because things at that time are so jumbled in my mind that I don't recall its application.

Q. FLYNN was one of Captain MEDINA's RTO's?

A. He was carrying a radio. He normally was with the mortar platoon, but that day he was carrying a radio. I don't think that he was MEDINA's RTO. He probably was somebody's. The only time I saw him was around that intersection, and MEDINA was--not at this time, but right after that--was at this intersection in the general area.

Q. Did you have a conversation with FLYNN at this point?

A. Yes, at some time. It was probably after that. I asked FLYNN, "What's the story here? What's going on?" I had known him at Schofield in Hawaii. He had been in the company where I was company clerk, and I asked him

what they were supposed to be doing, and he said they were at a meeting the night before, and they were all pepped up. He indicated to me--I don't remember any of his words--but it had been something like a pep rally. "We are going to get in there and clean out this nest of VC," which had caused them a lot of trouble recently. A very forceful speech. That's the impression that I got, what they were talking about. I don't recall his saying what the words were. He's kind of a quiet, elusive type person, and he didn't tell me much.

Q. Did he describe the orders regarding whether they were to burn the houses, destroy the livestock? Did he say what they were to do with the people in the village?

A. I don't recall his mentioning any of that, sir. Other than what I already mentioned, he just kind of smiled, turned around, kicked his toes, and said, "I don't know. We are supposed to go in here. We had a big meeting last night, and they said we are going to go in there and clean it out." And I said, "Okay."

Q. It wasn't anything specific, then?

A. No, I didn't push it. He didn't want to talk to me.

Q. What was your impression, at the time, of what his meaning was?

A. Well, I think I already stated that--that it was something that amounted to a pep rally the night before. That they were going in and wipe out women or children or anything. He said they were going to eliminate it as a trouble spot.

Q. Okay, what was next?

A. The next incident that I recall was, I believe, a wounded boy came up to this intersection and stopped right in front of HAEBERLE and me, probably 8 or 10 feet from us. I believe he was wounded in the face and one of his arms, and just stood there staring into the village, without crying or giving any indication of pain or distress--just more or less an expression of shock. So HAEBERLE went forward to take a closeup of this individual with his own camera, I guess to get the "war torn injured waste" type photo. Just as he was focusing on the individual, probably within about 6 feet of him--the person gave no indication

of his being there or anything like that--and somebody came by. I don't know where he came from, but all of a sudden there was a guy standing right next to me that fired three shots into this kid. Just threw the kid right over backwards and surprised me. I didn't even notice the person walking up on me.

Q. This was a soldier with an M-16?

A. Yes, sir, and HAEBERLE at the time was looking through his camera. He just raised up his head, turned around a couple of times in the road--just staring and wondering what had gone on. He walked back over to me and said, "Wow, did you see that! I was looking through the viewfinder, and the guy--it just looked like it was a zoom lens effect. He just flew away from me right in the lens," and "What did the guy do that for? I don't know what's going on." This was probably the most shocking thing to me that I recall. It really set in my mind.

Q. Did HAEBERLE go ahead and take the photograph then? Do you recall?

A. I don't think he did. I don't know. I don't remember.

Q. Where was Captain MEDINA about this time?

A. I didn't see him around there. It was right after that that I saw him, though. He must have been somewhere back in the village.

Q. You indicated in a prior statement to the CID that he was in the immediate area about this time, and that he observed the bodies on the road.

A. Well, he did. Yes. He observed the bodies on the road.

Q. Did you see him in relation to the bodies?

A. The first time I remember talking to him or being with him, after I talked to him when we first came into the village, was, I think, when he walked by us on the road that runs along the edge of the village.

Q. Was this at point 11?

A. Yes, sir. I'm still at point 11.

Q. You're still at point 11. Yes?

A. As I recall, he must have been walking along the path that surrounded the village moving westerly here, and so I fell in behind him here and walked along with him. We came to a hootch just a few meters down the road there-- 20 or 30 meters down the road. It had a little yard-like area, and we went in there and had a bunch of guys around us searching baskets and everything, and they brought this old man out of the hootch. He was really old, and he was smiling and everything. He was trying to be friendly. They set him down on a stump, or something like that, on the front yard of this hootch. The interpreter was there, because he asked him some questions.

Q. Do you remember if there was an MI officer there with the interpreter?

A. I don't remember. I assume there was. There were several people in this area around. There's Captain MEDINA and, I guess, his RTO. I know the interpreter was there, because he asked some questions. Some other people were searching.

Q. Did it appear that his party was with him there?

A. The people that he had kept around him, I think most of them were there. It was like his little headquarters unit. The company commander and the group of guys that run around with him all the time. Anyhow, they asked this guy some questions, and the interpreter indicated that he didn't know anything, or something to that effect. Anyhow, he wasn't of any intelligence value. So, I don't know what MEDINA said--"Burn the hootch," or something like that--"Just start on the destruction of this place," and started to walk away; and they said something about, you know, "What are we going to do with this old man," and he indicated that he didn't care. It wasn't the type of decision he was supposed to make. Anyhow, I don't remember what he said. I remember that he just walked away and ignored the whole situation, and so I dropped in behind him. By that time we were back on the road again. They shot that old man. I didn't see him shot, but he was shot, and Captain MEDINA didn't see him either. He was probably 10 to 15 feet ahead of me. I'm sure that he heard the shots. He continued on. He didn't stop or anything.

Q. Could I ask you to locate this place on the map.

A. I'll mark it as what? 12?

Q. 12, yes.

A. It was in this direction.

Q. I see. You were moving in a westerly direction, then, along the path.

A. Yes, sir, this was west of the intersection where we spent most of our time.

Q. Could I also ask you to think hard and recall, as best you can, what Captain MEDINA said when he was asked, "What should we do with the old man?"

A. Sir, I think I told you. As I remember back I don't recall his saying anything. I don't recall any specific words that were spoken. All I recall is the impression that he was ignoring the situation. It was something that he wasn't required to make a decision on, because there was somebody else there to handle it. He just probably said something to the effect of, "I don't care."

Q. Now, in your statement to the CID, your recollection at that time--you said that--well, I'll read a few sentences from the statement: "At one point an old man was led from a hut. The soldiers asked Captain MEDINA what they should do with him. MEDINA told the man--he told the men that the old man had no military value and he didn't want him." Does this comport with your recollection?

A. Yes, I guess so. It's really difficult--I know that it is important--

Q. Do you recall that this is what you told the interrogator when you made your statement to the CID?

A. Oh yes, now that you read it. Yes, sir. I remember stating that, and I know that it is important for you people to know exactly what took place, but I just--really, the only thing that I can be sure of is coming away from that thing with the impression that MEDINA didn't have any desire to keep the guy. He didn't want to be bothered with him. He had other things to do.

Q. Did he make a gesture for example, do you recall?

A. I don't recall.

Q. All right. We were at point 12.

A. Yes, sir. I believe when MEDINA walked away he walked back toward point 11, the intersection that we referred to before. I followed him, and we might have gone beyond point 11 there, and he was still directing search and destroy, and it was about this time that the individual shot himself through the foot. I was close to MEDINA, but I was closer to the intersection. I must have been following him, because I ran around there when I heard the shot. I heard a bunch of people yelling, "medic," and they leaned this guy up against the wall of a hootch, and the medic was taking his boot off and mopping his brow and applied whatever he applied to his foot. MEDINA called a dustoff chopper, and HAEBERLE went into action--started snapping pictures. This was a good chance to do an entire picture story of a wounded GI being evacuated, and I asked somebody--you know, "How did he do it, what happened?" And they said, "Well, he shot himself through the foot while he was clearing his .45."

Q. Do you remember the name of the wounded soldier?

A. I didn't even get it down at the time. I saw the first sergeant of C Company a couple of days later--he stayed at Bronco most of the time--and got the name of the individual, but I can't recall it right now.

Q. Does the name CARTER seem familiar?

A. CARTER, Yes. I believe it was CARTER.

Q. Would you mark on the photograph, please, the point where the soldier had shot himself accidentally.

A. That would be in the area of point 11.

Q. Still near point 11?

A. As I recall, there was a building right about at this intersection, and he was on the northern side of the building, and he was leaning up against the northern side of the building, which was right about at this intersection. You want me to put another point there?

921  
176  
11

Q. No, that's all right. You have indicated that that was quite close to point 11.

A. Yes, sir. So they gathered up his equipment, which they had taken off of him when they leaned him up against the building, and as soon as the--well, we took him over to the area of what I have indicated as point 12 on the map here, or in a westerly direction from where he was along that road, right along the edge of the village, and we waited there at the edge of the road and the dustoff chopper came in and they popped smoke and they landed. I think I carried some of his equipment out to put on the helicopter. MEDINA said something about getting his weapon.

Q. Is that standard procedure that they use when they send a man to the hospital?

A. I don't recall, but anyhow, we put his equipment on the helicopter and set him up there. He looked like he was in pain but he didn't look like he was too unhappy about it--getting out of the field. Then I recall getting the impression that MEDINA thought he was probably trying to get out of something, but I don't remember what--

Q. Nothing definite said along that line?

A. I don't recall whether it was at that time or whether when I talked to First Sergeant HOBSCHIED to get his name. Whether he said that they were investigating to see--I just recall that there was some type of question as to whether he did it on purpose.

Q. Could you mark the place where the dustoff helicopter came in? Was it out some distance from point 12?

A. Yes, sir, it's right immediately adjacent to point 12. I'll mark it as point 13. It was in the paddy. Well, I can't be certain of exactly where it was but it was in the paddy just west of point 11, 10 or 15 meters and south of point 12.

Q. Fine.

A. It was in a paddy right at the edge of that road. Anyhow, he left and things at this time looked--I, of course, at this time had been all the way through the village as far as I wanted to go--and everything seemed like it had already taken place, as far as I was concerned--as far as there being any story. It was about at this time that I would like to see some of the other units and see what they were

doing and what kind of action they were involved in. About this time I asked Captain MEDINA if he could get me a chopper to take me over to where B Company was, and some of the guys were taking a break, and some were searching hootches along there. Captain MEDINA called a chopper for me. I think we sat along the edge of the road there for a couple of minutes, and then a chopper came, and we left the area.

Q. Did you, in walking through the village as you indicated, did you observe any other bodies other than those you have mentioned?

A. I don't recall any other than those that I have mentioned. I recall a lot of destruction taking place, which was a fairly normal military tactic, because we were in what was assumed to be, and what has been proven to be, an enemy stronghold, and they were destroying the enemy's foodstuff and livestock and water and what have you.

Q. Did you see any residents of the village, civilians in the village who were alive?

A. No, I don't believe so. I don't recall anybody other than those that I have previously mentioned.

Q. From your account, as I recall, those whom you did see alive were later killed?

A. Yes, sir. All, except I don't know what happened to the old man that they were questioning when I first came into the village, when I first met Captain MEDINA. I believe he had two children with him, also.

Q. In your prior statement you had mentioned one child.

A. Well, this was back in September. I've got the world's worst memory. I believe he had a child or two with him, and I don't know what they did with him. I assumed at the time that they were evacuating him for questioning. I didn't pay any more attention to it.

Q. Now, how many people would you estimate were killed there in My Lai (4)? I'm speaking of civilians, now?

A. Well, sir, I really don't know how you distinguish

a civilian from anybody else. The only figures that I had at the time were, of course, the official figures, which came to 128 killed in the entire operation. That included B Company and one of B Company's platoons, which was separate from it, and had some contact along the coast. From what I saw, there were probably--I probably didn't see more than 50 bodies myself, and of these there were women and children included. Whether they were--what percentage of them could be classified as definitely civilians--the only persons that I could definitely classify as a civilian would be a small child.

Q. Yes, I'll rephrase the question. Just how many people did you see killed?

A. I saw killed probably--I saw probably about 20 people killed and about 50 people, altogether, dead, counting the few bodies I saw that I mentioned in the village and the people out in the road. This is a rough estimate.

Q. Well, could you recall how many of those would you say were military-age males?

A. There were probably four or five in the first instance that I mentioned, and the two that popped up in the rice paddy were probably military-age males. They looked like it from the distance that we were--the people that were in front of the hootch where the straw was burning--I know the guy whose leg went up was--appeared to be a male from where he was lying with the straw piled on him--probably a military-age male. I don't recall what the other person was there. The body that they dumped down the well was definitely a military-age male, and the people that were lying out in the road, I don't recall who they were. I know there were some small children and some women. There probably were some men, too, and with the group that they brought out of that hootch there weren't any military-age males. So, I probably saw, oh, around 10 military-age males. I'm just guessing.

Q. Right. That's the best of your recollection?

A. Yes.

Q. When you say "you're guessing" you mean that's the best you recall?

A. Yes.

Q. To the best of your recollection, in other words.

A. Yes.

Q. As I understand it, you left this area by helicopter then, and went to the Bravo Company area?

A. Yes.

Q. I think we may want to go into that a little later, and also a little later we would like to go over some photographs with you, but do you recall about what time you left Charlie Company area?

A. It was probably around 11. It was before lunch. I just assumed that we spent just a couple of hours there.

Q. About how long did you spend with Bravo Company?

A. A couple of hours. We had a bite to eat with them and moved to another area after this, and we went back to LZ Dottie about 1 or 2 o'clock.

Q. Did anything occur at LZ Dottie that might be helpful to us?

A. That afternoon?

Q. Yes, when you returned.

A. When we went back there, I went to the TOC to find out what all the different elements were doing, what the figures were, and find out--get an overall picture of the operation. Major CALHOUN was on the radio at the time in the TOC and he didn't want me in there. As a matter of fact, he ran me out of there, sir, which I didn't appreciate at all. Of course, we had never gotten along too well anyways--and I went back out and Colonel BARKER came in and I spoke to him and he remembered me and--you know--I asked how everything was going, and he said, "Well, come on in," and--you know--"We'll talk it over." So, I went back into the TOC with Colonel BARKER, and he showed me where the units had been on the map and gave me the figures at that time, which I think were--I believe it must have been about 3 o'clock in the afternoon; and I remember the weapons that had been captured and 40 M-60

mortar rounds that I recall that might have come in while I was there, because I wrote it down that they were destroying 40 M-60 rounds at this time--and just giving me an overall picture of what had taken place. I asked him for a statement, "Give me a quote on your opinion of the operation," things like that, and he said something to the effect that it had been highly successful, that we had two entire companies on the ground in less than an hour and they had moved swiftly with complete surprise to the VC in the area, and the normal--what I considered a normal statement--the kind of a statement that I usually got. And I asked him, of course--I seem to recall asking him about the high body count and the low number of weapons, and he just indicated to me that--you know--that I would do a good job writing the story, and said: "Don't worry about it," or something like that. He seemed to be happy with the way the operation had gone--that there was no other polarization about the number of bodies, and I didn't ask him about the women and children at the time.

MR WEST: General PEERS?

IO: Yes. When you first arrived at Fire Support Base Dottie that morning, you had at that time a discussion with Captain MEDINA. What did he say that you were to do and who you were to be with and so forth, during the course of this operation with C/1/20?

A. He didn't tell me what to do. I told him that I was assigned to this operation and I was going to do a story on it and I wanted to go along. I don't know whether he had been informed ahead of time if somebody would go along, and he seemed to have everything under control, and said, well, "Go over there and see that guy over there. He'll get you on a helicopter." He didn't say that I could or could not do anything. He made arrangements for me to go along, which was about normal for our operations. We just kind of disappeared--didn't ask questions, and stood out of everybody's way.

Q. Did he tell you to go with any specific squad or unit and to stay with them?

A. No, sir. He indicated that--I believe he gave me the person's name that I was supposed to see to go out with on the helicopter, but I don't recall who that was. He didn't tell me to stay with him. Of course, I wouldn't have paid any attention to him, but all I asked him for was

transportation out there, and that's all he gave me.

Q. When you had been down southeast of the landing zone, somewhere in the area of the road junction, and had come back, according to what I recall, you met Captain MEDINA at about 9 o'clock.

A. Yes, sir.

Q. At point 6, is that correct? Would you so indicate on your point 6 the time at that point--0900. As I recall your statement, at that time Captain MEDINA indicated to you that their body count was in the neighborhood of 84?

A. Yes, sir. I think that's what I had in my notes.

Q. Yes.

A. Which I thought was pretty high for only having been on the ground about an hour and a half. I assumed that the first wave was in about 0730.

Q. Did you question him at that time about how these people had been killed and what they were?

A. No, sir. I think he said something about they had received a minimum of resistance and didn't have much trouble, and that the operation had been a success so far.

Q. Up to this particular time, according to my recollection of what you indicated, you had been south of the road and had come back. You came to about four bodies on the road, and a woman and a young girl south of the road--also, a couple of individuals off to the side, to the west, that had been killed. Did you report to Captain MEDINA at that time that you had seen some noncombatants who had been killed?

A. No, sir. I didn't.

Q. Did you have any reason for not telling him?

A. No, but I didn't have any reason to tell him, really. Our job on the operation was, or as I always thought it was, just to act as an observer, who never participated in any way unless we had to. Of course--at least I never did. I didn't ever tell him anything

that was going on in another area, and I assumed that he was in complete control of the situation and did know what was going on. I didn't volunteer any information or participate in any action.

IO: We'll discuss this later, so far as what your obligations and so forth amounted to. We'll take about a 7-minute break.

(The hearing recessed at 1043 hours, 17 December 1969.)

(The hearing reconvened at 1102 hours, 17 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present with the exception of Mr. WEST.

IO: Mr. ROBERTS, I have here an oblique photo of My Lai (4). What I'm attempting to do here is to see if we can refresh your memory in any way in order to fix the location of point 6. This, frankly, is quite important to our understanding of what happened in My Lai (4), primarily because, as you might well imagine, it could involve additional units. Now, here in this photo--just to orient you--this was taken from the west, about over in here someplace across these two fields here, looking to the east. As you can see across here in this direction, this point would be right here (indicating). You had mentioned a rounded corner. Unfortunately, it does not show the other rounded corner at the northeast of the village--northwest point of the village.

A. I realize the importance of this. I certainly would like to be specific, but I really can't. I know right in the area where we entered the village there were hootches there, and there was--it was not in the area of this field because we didn't cross a field surrounded by trees to get into it, and from the direction we returned back to the area of the LZ or wherever I thought we had landed--I would assume that it would be this corner here, but I still say it's probably this corner here (indicating)--what would be the northwest corner.

Q. That would be right about in here (indicating).

A. I would assume that it would probably be right in here. We seemed to have walked easterly, then southerly to the village like this (indicating). It doesn't show the road.

Q. Here is the road right here (indicating). You can't see the road, but you can see where the tracks go up over the road and down the other side. That's the road you are referring to?

A. Yes, right. This would be, as I remember, there was a hootch and some trees a ways out.

Q. That's also identified with this, do you see? So that, very definitely, is the spot that you are talking about.

A. We came out here (indicating). That's absolutely definite. From the path that we took to the village I'm still not certain. It would be in this area (indicating) in the northwest.

Q. Could you have possibly come in through this area and around in this fashion?

A. It's possible, but from the best of what I can remember, it was probably here (indicating). I didn't have anything as a reference point. I didn't have anything.

Q. I understand your difficulty.

(MR WEST entered the hearing.)

MR WALSH: It would appear to me that the point indicated by the witness is not the northwest corner. It's more directly in the west. If this triangular piece right here (indicating) and this triangular piece were here--it would be more in this area than way up here (indicating).

A. I recall that when we went into the village we--at the edge of the village, this road in the lower portion of this photograph would be what I referred to as the edge of the village. They always had a path around it, so it would seem in my mind that when we crossed the road we were in the village, or else I would have recalled that we possibly went across a field. So, it would seem to me that the village--where the village came right out to this road, would be where we entered it, though it could possibly have been maybe in here (indicating), but I think it probably would be right out here, according to this aerial photo. Some of these buildings

come right out to the edge here.

MR WEST: He has indicated the northwest corner of the photo.

IO: If, however--a supposition, Mr. ROBERTS--If in fact you had seen Captain MEDINA here at 9 o'clock, it would have changed the location of these other items, 7 through 10, would it not?

A. Yes, it certainly would. As I say, these points are all given with reference to what I supposed to be my route through the village. If I'm incorrect, then, of course, the points would change. But as I recall, my path through the village was sweeping around to the right, meandering around to the right, and coming out at what I referred to as point 11.

Q. Yes, all right. Back to your original location, point 6, that you have marked on the map. When you were at that location did you see any troops deployed in the paddy fields to the north, looking across here (indicating)?

A. No, sir. I don't recall any troops outside the village at that time, other than the ones I had just left.

Q. You indicated one point that struck you as something being unusual, and then you made a statement which I'm not sure I know how to interpret. You indicated that this one soldier, much to your surprise, was cutting down stalks of corn, and then you indicated that you got in the "spirit of the thing" and stomped down a few. What do you mean by the "spirit of the thing"?

A. Well, I'm not sure that I can really explain that very well, sir. It seemed that, as I stated before, we try to stay out of everybody's way and participate in no part of the action unless--if we're in a heavy fire fight, of course, then it would be necessary for us to join in. So I wouldn't ordinarily do anything, but I noticed this poor guy is whacking down this corn and HAEBERLE went walking through the field and stomping on some. So, I said, "Well, I guess I might as well help the poor guy out. He looks like he's really working hard there," and I went through the field and stomped on

some, too, and I don't know why. I just--well, they're destroying the enemy's food crop, and I might as well help out.

Q. What I was trying to relate this fact to was the spirit of aggressiveness of the units that were on the ground and the feeling and the attitude that these people had, which you discussed in some detail later on.

A. Yes, sir. I think by using those words, which may have been a poor choice--of the "spirit of the thing." I think I meant that everybody was going about their searching and destroying in an ambitious manner, from what I could observe, and I wanted to cross that field anyhow, so I jumped right in there and helped him. I probably just stepped on three or four of them when I walked across it, but I remember doing it.

Q. As you passed through--I forget the exact point--but it was one place where the troops had several women and children--at which there was also the problem of the blouse, and you indicated that you saw them and you turned, walked away, and the next thing you evidently turned and saw that they were dead. Did you see them dead on the ground where they had been shot--physically on the ground?

A. Yes, sir. They were on the ground.

Q. So your interpretation is that they were killed?

A. Yes, sir, they certainly were. They indicated that they, you know, that they didn't know what to do with them, and somebody said that they were going to kill them, and I, of course, believed him immediately and decided that I didn't want to stay there. That's why I turned away. Probably, the reason that I looked back was to see HAEBERLE or something, because I wasn't particularly interested if, in fact, they were lying on the ground.

Q. Did HAEBERLE take a picture of these people after they had been shot?

A. I don't know. I know he took a picture of them while they were standing, because everybody moved back when he went in to take a picture, but I don't know whether HAEBERLE took a picture of them on the ground or not. I don't recall whether he did. I wasn't with him. He kind of hung behind me.

Q. With respect to the old man, did you get the impression that this was the individual that had provided the information that there were 30 or 40 VC that had been in the village and had departed before the CA that morning?

A. The first one that I came upon when I met MEDINA, yes, sir. They had been talking to him. I guess they were talking to him when I was talking to MEDINA. The first thing that I remember after asking MEDINA how the operation had gone so far was this old man sitting down there on the ground and, you know, they didn't seem to be mistreating him or anything. They were talking with him. The interpreter was talking with him, and MEDINA went up and talked with whomever else was there, and asked him what's the story--what did he find out, and MEDINA said something about the number of VC that had been in there the night before, and I seem to recall now, thinking about it, that there was something about the direction they'd left in, and whether B Company would be heading them off--whether they were going towards the sea or, you know, who was going to cut off their escape; whether they were going to get them or not, or if some of the people that B Company had shot already were part of that group. It seems like I remember that somebody was chasing them.

Q. Did you see them kill the old man?

A. I don't know if they killed that old man. The old man that they killed, that I referred to, was later, at what I referred to as point 12 on this photo. I didn't see them kill him, either. I just know that they did. I don't know what they did with that first old man. They might have evacuated him or rounded him up.

Q. Did you see the first old man?

A. Yes, sir.

Q. He was different from the second old man, then?

A. He was only different in memory in that the place on the map was different. I couldn't tell one old man from another.

Q. The bodies that were on the road about 50 meters from point 11 which you observed--did you ever

get close enough to them so you got an impression about what might have killed them?

A. No, sir. I think I assumed at the time that they might have been hit by an artillery prep, but it seems to me that when HAEBERLE and I were talking about it later that night or the next day or something like that, they couldn't have all been standing in one spot and get hit by an artillery prep. I didn't go out there and if I had gone out there I might have been able to tell if there was a lot of ground dug up around there, or if they had been shot with a gunship, or if they had been individually shot, but I don't know, sir.

Q. That was going to be my next question, as to whether they could have been hit by a gunship as they might have been fleeing from the southern edge of the village?

A. It certainly could have, although they didn't appear--the way they were lying out there--to have been fleeing, because when they're fleeing--of course, as you know, it's not that easy to hit a moving target--and usually if they were fleeing they would be scattered along the road, but they seemed to be in an area of 15 to 20 feet.

Q. I believe you indicated that it was at your initiative that the helicopter was requested to move you from the area of C/1/20 to the area of B/4/3?

A. Yes, sir.

Q. It was solely on your initiative. Who else was on the helicopter besides you and HAEBERLE?

A. At that time there was nobody else on it, I believe, other than, you know, the crew.

Q. Do you recall whether or not the MI officer and his interpreter were on the aircraft with you?

A. I don't believe they were, because when we got to B Company they were there. I don't know whether they had their own, but nobody went with us over there that I can recall. He just took us over there and we popped smoke and we landed and we went over there and

joined them, and everybody looked to see who we were, and he left. I recall when we left there and went back to LZ Dottie--when I called for a chopper to go back to Dottie--Captain KOTOUC who had been an S2 back in Hawaii, who I didn't even know was part of the unit--he transferred before we left for Vietnam and that's the first time I had seen him in 6 or 8 months--he got off of the helicopter as we were getting on and I know that he left, too, one time or another.

IO: I would like to confine the questions of Mr. MACCRATE and the others just to operations of C/1/20.

MR MACCRATE: I have extensive questioning. I'd like to go through the village again with you Mr. ROBERTS. You have taken me previously down to the south as you moved originally with this squad and placed yourself in the squad and moved down. I have a picture of what you were doing at that time. What I'm trying to sort out in my own mind is how you and Mr. HAEBERLE moved from that point on. Now, where was Mr. HAEBERLE when you moved south in this line. He was in the line, too?

A. You mean before we entered the village?

Q. Before you entered the village.

A. Well, he was more or less in the line. We all stayed generally on line. He was over, I believe, to my left or something because I know from the photo that he had later, that he took off from the line, that he must have been to the left of me. Of course, when we moved through--like the irrigation ditch, that I marked as point 3, it would necessitate us not being on line any more, but more or less moving single file.

Q. And when you came back, and just prior to the time that you entered the village, as I understand it, you then left the squad with which you had been moving up to that time.

A. Yes, sir.

Q. And in a sense they had been providing a

little protection to you. You indicated that you were staying a bit behind and you looked to the squad around you, as I would assume, as your protection in this situation. Now, you came back to the village. Did you attach to some other group of individuals?

A. No, by the time we got back to the village I was fairly confident that I wasn't getting shot at, which, of course, was one of the things I was worried about. Where we left the squad and joined Captain MEDINA, we were quite close to the village. Maybe somebody even went over to talk to them when we were over there. I don't recall how we got over there, but we were close, and we walked over there and saw Captain MEDINA and talked with him. At that time everything was secure, according to what Captain MEDINA told me, and from what I got to see, the place was pretty secure, and at that time we didn't attach ourselves to anybody. I just wandered through the village, as I told it.

Q. Before we get into the village, I do want to get a picture of your entering the village. From what I understand, you're saying between 8 o'clock and 9 o'clock you were outside the village, and it was around 9 o'clock when you entered the village.

A. Yes, sir.

Q. And that by that time you were satisfied you were not being shot at and were proceeding in a little different fashion than you had before. Were you still looking down on the ground, alert to booby traps or mines that might be there. Did this kind of reconnoitering--personal reconnoitering go on as you moved in the village?

A. No. I believe after I had been there that long--of course, I was beginning to get a little tired from all that running around. We had been doing quite a bit of hustling back and forth, but I guess I became more confident that the situation was fairly well secure. I don't recall when I moved to the village. Of course, I didn't lift up any covers on any tunnels or go into any hootches myself, but I didn't watch for booby traps or mines. I stopped looking over my shoulder all the time, and I didn't attach myself to any people after that squad.

Q. As you started into the village there would be

certain obstructions to your vision, would there not?

A. Definitely.

Q. And how would you approach an obstruction?

A. Well, it seemed to me that there were GI's everywhere. There wasn't anything going on that I should fear. It looked like anyplace somebody could have jumped up to shoot at me there would have been a GI behind it, because they were people pretty much all over. They had evidently moved through the village to clear it of initial firepower or anything that the Viet Cong might have in there, then began a systematic search and destroy operation.

Q. Wasn't there any gunfire as you started into the village?

A. I remember gunfire in the village, but I don't remember thinking that it was hostile--M-16 fire, M-60 fire, something like that, that I probably thought I could identify. I didn't get the indication that there was any hostile fire.

Q. Well, where in relation to you was the gunfire that you heard? Was it in front of you? To the left of you? To the right of you? Behind you?

A. Well, I related the incident of those GI's killing the cows. They were firing weapons there, and there was some more fire off to the right, which would be westerly, but I assumed that they were killing cows.

Q. Now, when you met Captain MEDINA, at the point I think you indicated as number 6, can you describe for us how the group was arranged? Were they down on the ground? Were they mobile? Were they at the side of a dike, resting beside a ditch? What did you observe?

A. As I remember, when I approached the area Captain MEDINA was talking on the radio or maybe various radios. He was in contact with all his elements, and they had this old man there that they were questioning, and behind them and in the village I could see people setting a hootch on fire and searching it. There wasn't a group just standing. There wasn't a group resting. There was no people hiding. There was this man I indicated cutting corn down. There was another guy in a

hedgerow close to the edge of the cornfield, who was digging up the ground and, I guess, searching for buried weapons. Everybody seemed to be involved in working and doing their job, just like it was back in Hawaii. There wasn't any indication of hostility at the time.

Q. Tell us, as best as you can, what you said to Captain MEDINA and what he said to you when you approached him?

A. Well, judging from what I usually said to people, of course, I would have probably asked him after greeting him, "How's it been going? What happened so far? How many people have you got? Did you have much trouble getting into the village?" He was responding, "We had light resistance. We got three or four so far. B Company got eight. We had 20 suspects." Then, they were interrogating this old man, and I asked Captain MEDINA about where the others went, and he said, "There were about 35, and I think they headed easterly."

Q. You indicated that you made some notes at that time?

A. Yes, sir.

Q. Did you carry a pad with you as you went around?

A. Yes, sir. I had a little note book about 3 by 5.

Q. Where, under these circumstances, did you keep something to write with?

A. Well, jungle fatigues are known for their large and numerous pockets. I had plenty of pockets. I think I kept it up here in my shirt pocket--in my jacket pocket.

Q. And you would pull it out and make some notes as you went along?

A. I only pulled it out, as I recall, when I was speaking to an individual and asking him questions, if I wanted to write down a specific answer or number or something like that. In observing, I didn't take many notes. I'm not much of a note taker. I usually would make up my story on the impressions of what I saw after I returned to the base.

Q. What makes you think that you made any notes at

that point? What do you have today that confirms, in any way, that you made any notes at that time?

A. I had those notes when I got out of the Army. I looked for them when the CID man took my testimony. I couldn't find them, but I remember having them in all that junk that I plowed through quite frequently when I first came back from Vietnam and later stuck away in the attic. I remember having them in this little brown notebook about 3 by 5 inches. I remember having a little bit on the front page, and it had a number on it, and a little bit on the second page that had words that I could use to make up a quote for Colonel BARKER.

Q. Are you saying that you had one notebook for this particular operation?

A. I'm saying that I had a notebook on this particular operation, and I still had it when I got out of the Army.

Q. What I am getting at is, was this the notebook that you were carrying all over Vietnam with you on the different operations, or was this one that you had for the particular operation which you were concerned with this time? I am just trying to see what your note-taking habits were and whether you handled the papers?

A. Ordinarily, whenever I went out I just grabbed a pad of paper. I remember this little notebook, because I had just stolen it from a helicopter pilot about a week before that. It had a plastic cover on it, and it had some notes in it about helicopters. I think I'd found it around our aviation section. It was laying around there, and I said that would be nice to take out in the field, because it had a plastic cover on it. That's why I remember this notebook, but I didn't usually take one. My note-taking habits were pretty --

Q. (Interposing) And you know this notebook, along with the other papers and notes that you had when you were there, you brought back with you to the United States?

A. I remember bringing this notebook back and having these notes in it, because I remember reading it after I got out of the Army, but I don't remember bringing any other notes back. It was a regular pocket notebook. I didn't bring back any other notes.

Q. Was it a looseleaf notebook?

A. Yes, one of those little ones with the little rings in the top.

Q. And you did examine this notebook when you came back?

A. Yes, sir.

Q. Can you fix the time when you examined it?

A. No.

Q. Why are you so sure that you did examine it when--

A. (Interposing) Because I looked for it, and I know what I'm looking for, and I may still find it. I know it's just got to be in all that junk there. It would be something handy to take notes in at school or anyplace, and I know that I would never throw anything away that might be used. I know that it's in my junk somewhere in a pile in the attic.

Q. Well, I think that you can appreciate that if you can locate that notebook today, that it could be of great importance in helping us in seeking this information and putting things together to confirm--our memories as time goes by, as you yourself indicated, dull a bit, and it's this kind of thing that helps most in refreshing recollection. Now, I come back to the question. You're making notes at the time you spoke to Captain MEDINA. What is it that makes you think you made notes at that time?

A. Well, I remember the first page of this little notebook that I had 9 o'clock on there for some silly reason, and the fact that they had already killed 84 people by 9 o'clock, and that was an indication that that was an awfully successful operation, or what I assumed to be an awfully successful operation--that they really swept in by 9 o'clock, and they had killed 84 people.

Q. Do you remember rereading that page at any time after that day and before you reviewed the notebook when you came back to the United States?

A. Well, I, of course, looked at it when I went to write the story, but I don't recall reviewing it for any particular purpose later.

Q. I would like to come in a little bit to the conversation that you had with Mr. HAEBERLE that evening, that you have already referred to as the sequence with respect to tramping in the fields--you and Mr. HAEBERLE tramping around through the cornfield. Any photographs taken at that time, as far as you can recall?

A. I thought that he took a picture of that guy bent over cutting the corn, but I don't recall ever seeing that picture. I know he took a picture of the guy digging in the hedgerow looking for weapons, because, I believe, we sent out a release on that man searching for weapons.

Q. Do you recall what camera he was carrying at this time?

A. He was carrying his Nikon and, I believe, one Leica, that we used for the office, and I don't remember whether he had two cameras or three cameras. It seemed like he had two.

Q. And do you recall whether he was changing rolls of film on the way?

A. I don't recall it. I imagine he must have taken more than one roll of pictures with that black and white camera, because he took five or six just of that injured man being medevac'd, but I don't recall his doing it. I don't recall his changing the film. If he had two Leica's with him, that would have given him 72 frames, and he may not have changed film.

Q. You got the impression, being with him that day, that he had taken a great many pictures?

A. He was not taking a lot for Ron HAEBERLE, because when Ron HAEBERLE takes a lot, he shoots up a roll in minutes, but he was taking pictures of things that I pointed out and things that he thought would be interesting.

Q. So, do you remember what preceded your conversation with Mr. HAEBERLE as you were entering the village? Do you remember anything that you talked about at that time before you started into the village?

A. No, I remember him saying something about, "Did you see that guy's head explode?" or something like that, because that vividly stands out--an individual that I referred to before--his head seemed to explode when it was hit--and I think he commented to me about that, but I don't remember having any conversations with him.

Q. Did you have any conversation with him about the information that you just picked up from Captain MEDINA?

A. I think I told him how many KIA's they had gotten already, because I was somewhat surprised by the number, but we had been working together for a long time, and he usually knew what I wanted to do and what I wanted pictures of.

Q. The thing that strikes me here, and I just can't understand you. On your first combat mission, an hour after landing, feeling so secure that the two of you take off into this village, literally, as you describe it, by yourselves; and you're told at the same time that there are some 84 KIA's, which certainly indicates a very large number of people being killed, which doesn't happen in a situation that isn't a pretty live situation. It just doesn't hang together for me, as you describe it. What I'm trying to do is get what was in your mind at that time and what you and Mr. HAEBERLE were saying to each other as you started out. You were the two companions for this particular part of the trip, as you describe it.

A. I understand what you are trying to determine. We had been fired on before. HAEBERLE and I investigated a murder right outside Duc Pho. A sniper was firing at us at that time, and HAEBERLE and I were the only two people that didn't duck. I guess at that time we were kind of dumb and didn't feel that we would get hurt. HAEBERLE hitchhiked to Chu Lai when he ETS'd, which is ridiculous. Everybody wants to get home as safely as possible, and he's hitchhiking to Chu Lai with a bunch of guys that drove up so that he could take some pictures along the road. We just--the figure was high, but they were all enemy killed--they weren't friendly forces killed. If they're not killing the soldiers that went in there at first, they're certainly not going to kill me.

Q. You had been around long enough to know that when you start killing that many enemy that you have a hot engagement. The chances are that someone is firing in the other direction.

A. Well, if a person is firing in the other direction with any effectiveness, they would have lost a few friendly forces by that time, too. I don't recall, I think he said something about there was somebody killed with a mine in B Company, but he hadn't lost any of his people--Captain MEDINA hadn't lost any people at that time.

Q. Would you as an inquiring correspondent--you weren't asking any questions. "How could this be?"

A. No, I guess I was not a very good correspondent. I just was observing.

Q. You really weren't observing if you had received some information and you and Mr. HAEBERLE started off into this village.

A. Well, HAEBERLE started off. He wanted to take a bunch of pictures and I, of course, went right along.

Q. He was the leader of your little team?

A. Well, he was the one that got us started, yes. He wanted to go and take some pictures and I said, "Well, okay." I went right along.

Q. Did either of you ask Captain MEDINA if it would be all right to go in at this time?

A. I don't remember asking him.

Q. Did you make any inquiry as to the extent to which the village had been secured?

A. I don't remember inquiring, but I remember getting the impression that it was secured. That they had already taken the village and they were just systematically searching the hootches.

Q. Did you ask any questions about how far the troops had gotten into the village? Once you got into the village and became separated from others around you by structures and hedgerows and the like, it would be a little hard to know where you were going, I would suppose, in relation to where the U.S. forces were.

A. Well, they seemed to be all over.

Q. Did you seek any information as to how far through the village they had gotten before you started in?

A. No, I got the impression from what I had observed and from what Captain MEDINA had said--he indicated that they had taken the village. I got the impression, "Okay, the village was taken." I didn't have any reason to think otherwise.

Q. As you got into the village did you have a sense that you were moving behind a force that was going ahead of you?

A. No, I had the sense that I was just wandering through a village that was already secured, and people were all over searching.

Q. And that they had gotten through and beyond the point, or was this their initial entry into a particular section of the village? I'm just trying to visualize you and Mr. HAEBERLE walking around the village and--

A. (Interposing) Sir, I was just going to explain.

Q. That if there is a part of the village that no one has been in before, and they're searching through it to see what's there, it seems to me you would observe certain conduct on the part of the men. On the other hand, if it has already been secured, and they're off on the far side of the village, then maybe you would see something quite different. What was the conduct that you were observing as you were with the U.S. forces?

A. Well, I think I really explained it fairly well. I saw people at various times. All the time I was moving through this village there were GI's around.

Q. You didn't explain it very well, Mr. ROBERTS. That is the point. Because you don't get any of the flavor of what the forces were doing at that time: whether they had gone through the village and come back to these points; whether you were with a group following the forces through; whether you were in the front lines or the rear guard. I get none of that sense from anything that you have said, so I don't think you have described it very well.

A. Then let me try and give you the impression of how I felt at the time. I felt that the village wasn't very large; that there were American forces all over it; that they were checking each hootch, and just about everywhere I looked there were GI's digging tunnels, looking in hootches. Sometimes I would be out of sight of these individuals, but I felt that they were close all the time. I don't remember anyone being off to my left, but I remembered them being off to my right. I know I joined with a group of guys who threw a grenade into this tunnel. I remember ducking down when they threw the grenade. It just looked like everything was normal, there was nothing wrong. I just felt perfectly safe here. Lots of GI's around. Probably, looking back, I was really foolish, but I went into other villages later, and sometimes I went completely off from the American forces to look around the village by myself, where there was no forces. I never was really afraid.

Q. You talked about seeing soldiers pouring kerosene on hootches and igniting them. Do you recall how they were carrying the kerosene? How did the kerosene get to the point to be poured?

A. That particular instance this guy came out of a hootch with a little bottle with a cork in it and sniffed it or something and said something about, "Here, we'll pour this on it." I don't know that it was kerosene. I just know that he poured it along the roof and lit it. It burned and it was in a little bottle.

Q. This was stuff that you got on the premises. It wasn't something that he was carrying with him then?

A. It was something that he found in the hootch.

Q. Do you remember about how large a bottle it was?

A. It was about 10 inches high. It seemed to be like an old rubbing alcohol bottle or something like that. I don't remember very well the bottle. I just remember it was just an old dirty bottle that had come out of there. He sniffed it and put it on the roof.

Q. You said something about losing interest in that type of thing, and therefore you turned and went away after you observed the shooting of livestock and the grenade down the hole and the killing of cows. What were you interested in as you were moving through?

A. Well, I believe I just wanted to see as much of what was going on. We continued to move to see if there was anything new up ahead--to get through the village, cover everything that was going on there, and leave. Personally, I wanted to be back at Duc Pho that night.

Q. I was just trying to get, again, what was going through your mind when you say you lost interest in the shooting of the cows?

A. Well, I imagine that I looked around for HAEBERLE. I wanted to keep near him because we were supposed to be a team. I don't recall whether that was why I left--the fact that he wasn't there--but I just recall that I left--the fact that they were searching this particular area, and I saw all there was to see there and moved on.

Q. Did you have any awareness of people being under orders when they were doing these things? I mean it in this sense. Was there someone running the show at a particular point as you went through? Was there someone who was doing the directing? You described little clusters of men doing things. You recounted for us a whole series of instances, but was this just random action, or was there some command? Wasn't there a sergeant in charge? What did you see?

A. With each group of men, which would probably be a squad or part of a squad--the part of the squad that was together at the time that I came upon them. There probably would have been sergeants or someone, a corporal, who was in charge of that squad. I didn't take notice of any individual being in charge, but I know, whether from that operation or any of the others, that I had gone--

14-200

Q. (Interposing) We're talking about this operation and these particular instances. You have recounted very specifically and graphically for us some of these instances, and we have to know what you were observing--what you saw there that day. You talked about point number 9, a woman and children out of the hootch, and some of the soldiers grabbed a girl and started to tear off her blouse, as you described. You have there something taking place. Is there a squad involved?

A. Well, it may have been a squad or part of a squad. I recall two people bringing the people out to the path from the hootch. The people were pretty spread out, and when something would happen or somebody would find something they would, of course, come together to see what it was. When they brought these people out a group gathered around them and participated in what I relate. At the time I left they were wondering what to do with the people. I assumed they looked for some individual among them that outranked them to make a decision, but I don't recall noticing that it was a sergeant, or whether it was just someone who could take command in a situation like that.

Q. Well, had you lost interest in that little episode the way you had the episode before, and just walked on?

A. Well, no, I turned away from that episode, because somebody had indicated that they should kill them, and I didn't want to watch them shot.

Q. You say someone had indicated that they ought to shoot them. Is this a decision that was one of anger and annoyance to what was going on, or was it someone saying, "We don't have anyone to take them back to a gathering or collecting"? What kind of remark was that?

A. Well, my impression was that they didn't know where they should take them out to a collecting area, because I didn't get the impression there was any collecting area. I got the impression that these people really didn't know whether they should take these people someplace or not, so they were wondering what to do with them. I guess one of the more violent members of the group there said, "Kill them." Whether he was the sergeant or whether he was a person with a chip on his shoulder who liked to shoot "dinks," I don't know.

Q. Was this a disciplined group, or was it just a group wandering willy-nilly around, and the private on the scene says, "Oh, come on, let's kill them," so they kill them. I don't get the sense of what you are describing there. It doesn't come through, Mr. ROBERTS.

A. I don't know. I don't think I can explain it, because I really don't know whether it was a particular squad that was assigned to that area, because there were people all over. I imagine there was some order, or they would have missed portions of the village. I don't know that they were assigned to cover this group of hootches, and their sergeant or lieutenant or whatever was there. I just know that there was a group of people there and--

Q. (Interposing) But the decision to kill civilians, noncombatants as you described these, is a decision that is being made by a group in a military situation. Are you telling me that this is just random suggestion?

A. I don't know that it was a random suggestion.

Q. Was it a direction being given or just a proposal?

A. I remember that there was a question as to what to do with these people, and that someone satisfied this inquiry by saying, "Kill them," and they did. I don't recall why, or who it was.

Q. Are you suggesting that one of the soldiers said, "What are we supposed to do with these people?" and was asking a superior for instructions?

A. I didn't get the impression that they were asking a superior for instructions. I got the impression that they-- that whoever voiced the question--was really wondering, "What are we going to do with these guys?", the civilians, if you want to call them that. Maybe somebody said, well, "Call so and so," or there was some indecision, and somebody said, "Kill them." I don't recall any specifics, whether it was an order, or whether it was a suggestion that happened to be acceptable to the group of people. I realize that it is very difficult to imagine that a question like that could be just taken.

Q. Well, I find it difficult for you to take it and not to have vividly cast on your mind today what you heard at that point. This is not something that I can understand, it being just nonchalantly accepted. I would expect it to make quite an impression upon you. The detail with which you recite much of this suggests that some things did make an impression on you, and when we come down to this point you evade it, I get the distinct feeling Mr. ROBERTS.

A. I'm not trying to evade.

Q. I'm sure you are trying to give us the story, but there may be something that's preventing the whole story from reaching us at this point?

A. Well, if there is something that is preventing the story from reaching you, it probably would be the fact that I tried to forget this whole thing, and thought as little as possible about it after that, and pretty effectively forgot it in about 3 months. At the time, I don't recall that this was a particularly unusual thing. I mean, if we were standing on the street in Washington, D.C., and we were a bunch of hoodlums, and we robbed some people, and somebody said, "What should we do with them?", the situation would be different. It would be premeditated murder if we decided to kill them, but this was a combat operation. Everything in the village was part of a VC complex. I don't recall making any judgment.

Q. But Mr. ROBERTS, you're describing the shooting-- the intentional shooting of noncombatants and little children. This is what you are talking about, and you're telling me that it didn't make enough of an impression upon you that you don't know who said, "Kill them."

A. That's what I'm telling you. It didn't. If it did at the time, it's past. I'm not trying to hide anything. I'm really trying to remember as much as I can about it. I remember just wanting to divorce myself from the action once they decided to kill them, and walking away.

Q. As you moved from point 9 to point 10, and you saw the body dumped down the well, which Mr. HAEBERLE took a picture of, were you with the same group of soldiers that had been with the five to seven noncombatants who were killed, as you described it at point 5? Excuse me, point 9.

A. No, I had walked away from those people, and when I came upon the man being dumped in the well, I think those were different individuals. They were individuals who were searching that hootch there. There seemed to be people all over. I more or less moved from group to group.

Q. Well, you were with these people in different situations and close to them and able to hear what they were saying. Did you at any time see any of the same people at any of the points in the village that you described between point 6 and point 11, where you exited from the village?

A. I don't recall remembering that one group of people was the same as another group of people. I don't recall being even interested in whether they were the same people or not.

Q. Again, I find it rather difficult to understand. You were there as an observer and observing so little that you can't tell when you have this kind of a confrontation with people in these situations, whether or not you were looking at the same people again and again, or looking at different people each time?

A. But I wasn't there to observe any individuals. I was there to observe the overall combat operation. The only people that I would remember were people that I could recall for some other reason, like Captain MEDINA. Every time I saw him, of course, I could remember that that was Captain MEDINA, because I knew him. But any of the other individuals whom I didn't know, I'd have to have some specific thing to refer them to.

Q. Hadn't you had quite an introduction to the men involved in the slaying of those five to seven women?

A. No. I know that would seem difficult for you to imagine, but I wasn't even particularly interested in the GI's there. I was watching what they were doing to the five to seven people, and I don't recall them, any of the people there. I recall the weapon, the M-60, and I don't recall the individual holding it.

Q. Mr. HAEBERLE seems to have had more interest than you in this.

A. Well, that's fine.

Q. I see from your own description that you say he went up and started to take a picture of this act of the blouse being ripped from this girl, and you, at the same time, there as the man who was going to write the story, didn't seem to have had the same awareness of people and what was going on.

A. Well, there's a difference in our interest there. HAEBERLE went up with his own camera to take a picture of this, because he wanted to take some pictures of the bad side of war--atrocities in war. This is the thing that he wanted to take back with him after he left Vietnam. Therefore, he was interested in this. I was only interested in it because it was an event that was unusual that was happening, that had no particular bearing on the story I was going to write. It certainly wouldn't be included in anything I was going to write.

Q. Well, I would like to come back to that problem at a different time. I think you described at point 11 the toddler walking around and the GI dropping to--I think that's the point where the soldier dropped to his knee and shot?

A. Yes, sir.

Q. About how far from you was that soldier when he fired?

A. He was very close, probably, within 10 feet.

Q. And you could see him quite clearly, could you not?

A. Certainly.

Q. And was this an individual that you had seen at any other time through the village.

A. I don't recall whether it was an individual that I connected with anything. It was--

Q. (Interposing) Someone with whom you moved out of the village?

A. No, my attention was focused on the body lying in the road and the toddler that was shot, and I just recall this person appearing and shooting him and leaving again.

Q. Now, you've said a great many things went through your mind at that time. I don't believe you were revolted by what you saw. Now, what were some of the things that were going through your mind that you had reference to?

A. Well, I think I tried to justify in my mind whether that person could consider it a mercy killing, or that it was part of the entire operation, or why did he do that. The fact that it didn't shock me as much as killing that individual right close to me was probably because it was at a distance, and like watching a target fall. My attention was centered around, "Why did he do that? Are these people supposed to kill everybody, or was he doing it because that poor child would wander around homeless and starve to death?"

Q. How long did it take you to get from point 6 in your description to point 11?

A. Probably an hour, somewhere around there.

Q. And you indicated that already at point 6 you and Mr. HAEBERLE looked upon this village as secure, that there wasn't any danger of which you were aware. You were quite prepared to just walk into the village without any companions, so to speak, and an hour later, at perhaps 10 o'clock, you come around to the other side of the village. Was there great excitement around you? Or were you just sort of going around--as you described the situation back by Captain MEDINA--just going on as you would observe things in Hawaii. I think you drew the parallel to how everything had worked there. Things were rather orderly, not agitated. What I'm trying to get is the impression upon you as you came out and the circumstance of this soldier dropping down and shooting the young child?

A. Well, of course, as we moved through the village, we saw these different events that I related, beginning with seeing some bodies lying there and continued with some people being killed and a man dumped down a well and livestock being killed. This progression of events, of course, made the

situation in my mind different from a training mission in Hawaii, and I began to get the impression that they were going to level the village, that they were going to completely annihilate it.

Q. Did you get a feeling of a systematic job of destruction?

A. Yes, sir, definitely. There seemed to be, as I mentioned, soldiers everywhere searching each hootch, and after each hootch was thoroughly searched they were burned or destroyed or in some way damaged, and all the foodstuffs that were in it were dumped out and destroyed as much as possible. It seemed like, as I went through there, everywhere I went people were taking care of it. Some of them, of course, with more exuberance and some of them just plodding along doing as if it were their job.

Q. Did you get the impression of great excitement among the soldiers as they were doing these things?

A. Well, some of the individuals, I believe, were more ready to burn a hootch or shoot a cow than others. Some of them were just plodding along and doing this and doing that, and some of them were searching and dumping things with quite a bit of exuberance, but I didn't get an overall impression of great interest and activity. I got an impression that some people were much more adept at this than others.

Q. Well, by the end of this hour you had made this walk through the village and come out on the south side. What did the village look like, if you looked back at it?

A. Well, I wasn't able to see very far in the village and, of course, there was some smoke and fire at different places.

Q. Was it just isolated fire here and there?

A. More or less, the entire village wasn't in entire blaze. The hootches in the village were usually separated by a small yard-like area with a hedge-type thing around them where they kept their cattle and their foodstuffs. They had their little bunker next to the hootch, and some of them had a tunnel, and I wasn't able to see a great distance into the village.

Q. Well, how systematic was this annihilation you are speaking about? Was it every hootch that was being leveled and destroyed, or did it seem to be selective hootches?

A. Well, it seemed that every hootch was being searched and that anything of value was being destroyed, but the fact that some of them were burning was, I think, more a matter of convenience than systematic. If somebody lit it, that was fine. If they were moving on and nobody lit it--as long as it was searched and everything of value had been taken out of it--it seems like most of them were damaged in some way, but not all of them were ignited.

Q. Did you ever hear Captain MEDINA at any time between point 6 and point 11 suggest there was a collecting point or indicate that anyone should be taken to a collecting point?

A. No. I didn't talk to Captain MEDINA on my trip through the village. The next time I talked to him, when I was close enough to really observe him, was when I reached the area around point 11. At that time I, of course, related that incident at point 12 with the old man. He didn't direct them at that time to take him to a collecting point. He just left and went off to direct the search and destruction of hootches, and I didn't hear him give any orders saying to take the individuals or collect the individuals or even shoot them.

Q. At one point you said in connection with point 12 that you identified--that you indicated that MEDINA had given instructions to get started on the destruction of hootches.

A. That hootch in particular, at the time.

Q. Well, how do you single out his instruction with respect to that hootch at that time?

A. Well, I was with him at that time. I was watching this take place--bringing this man out and questioning him, and he seemed to get on with it. "Come on you guys, quit standing around. Destroy that hootch. Let's go. We haven't got all day." That type of thing. That type of attitude.

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Q. But, this hootch was being selected as one to be burned?

A. No, I don't--as I said before, I don't think there was a selection process of burning hootches. I think that he was there and there was some guys standing around doing nothing. He told them to get busy and do something, and what they were told to do, or indicated that they should do, was to destroy that hootch.

Q. If anyone was idle, he should go burn a hootch? Is that your understanding of what was going on?

A. No, if anyone was idle, they shouldn't be. It just happened that this hootch was already searched. Therefore, it should be destroyed, and those people should move on. They shouldn't be standing around there. We walked from that point on to another point. I believe it was right after that, where some--I think there were two hootches close together and one was burning and a couple of baskets of food material or something, and he told them to get that food material out of there and destroy it and, "Did they check that hootch yet?" This type of thing.

Q. Was HAEBERLE with you at this point when you talked with Captain MEDINA and heard this direction to get started on the burning of the hootch?

A. Yes, sir. I don't know how close he was standing to me. I wasn't talking to Captain MEDINA. I was mostly following him around.

Q. Why were you following him around? What was your interest at that time?

A. Well, I wanted to listen to his radio. I wanted to find out what was going on. It's much easier to listen to a radio and hear other people calling in than it is to be everywhere at once. Also, where the company commander is, of course, is the center of operations.

Q. Well, do you recall what was coming in on his radio at that time? Do you have any recollection of the information that you gathered there?

A. No, I don't recall any specifics. I didn't hear any calls where anybody was wounded or where anybody was involved in a fire fight. It was just normal radio conversation of people locating each other's units and finding out which direction they were going and things like that.

Q. Had Captain MEDINA set up a little manned location there?

A. No, sir. He hadn't at any time I had seen him.

Q. Could you describe for us in any way, anything more you recall as to the deployment of forces at that particular time that you have indicated with a point 11, as you were coming out of the village?

A. No, I don't think I can tell you any more than that there seemed to be people in any part of the village we could see from there. They were searching the village. There were some people moving occasionally up and down that road that ran along the village there. It just seemed to be people all over the village and that they were working on it.

Q. There were people both to the east of you and to the west of you?

A. Yes, sir.

Q. Was there any force moving out of the village at that point?

A. No, sir. I didn't see any force moving. I didn't see anybody outside the village at that time in any direction.

Q. As far as you could determine, everyone was just busy in the village at that point and no one had come through the village?

A. Yes, sir, I got that impression. The people were busy moving in the village, moving from place to place in the village.

Q. How far to the east along that southern line of the village did you get at any time. What was your furthest point east?

A. It was probably 50 to 75 meters that way. Just a short ways.

Q. Beyond the point that you've indicated as 11?

A. Yes, sir. I didn't continue around the village.

Q. Now, you have indicated that the first sergeant of Company C, you saw several days later at LZ Bronco. Do you recall his name.

A. Sergeant HOBSCHIED.

IO: How do you spell his name?

A. I don't know the spelling.

Q. Approximately. He was the first sergeant of the company?

A. Yes, sir, he was.

Q. HOBSCHIED?

A. HOBSCHIED. It was a very difficult spelling.

Q. All right. I understand, he was at LZ Bronco at Duc Pho.

MR MACCRATE: And you referred to that fact of some skepticism. To what did that refer? It was just at this point in your story that you alluded to that. I'm trying to tie it in with your recollection of events.

A. I was asked at that point in the telling of the story what the person's name was, and I related that because that is when I found out his name. I didn't find out his name in the field. When we printed these pictures of this guy being evacuated we wanted to make captions for them, and, of course, we would like to have his name, so I went down to the company area and asked Sergeant HOBSCHIED who the individual was who was shot through the foot.

Q. And he told you at that time that the investigation was being conducted as to the shooting of, as we now know it was CARTER who was the individual involved, but there was an investigation conducted at the time?

A. Well, he alluded that maybe I shouldn't send out those pictures because this wasn't really a combat wound, or they didn't really know for sure that it was a combat wound. You know, thereby telling me that maybe I shouldn't send out these pictures because it didn't have the proper meaning that this guy was being evacuated because of hostile action. I didn't get the impression that a decision was being made other than the fact that there may be some question as to whether this guy really shot himself accidentally or on purpose, and that maybe I shouldn't send these pictures out. Of course, that didn't make any difference to me. I just wanted his name.

Q. I think you said it was about this time that all had taken place, so far as your story was concerned, that you were interested in, and that you wanted to get out of My Lai (4) and get an airlift over to where B Company might be. What I would like to understand is what was the story you were looking for, and why did you think you had at that time gotten the story? Had you been briefed as to what was the objective of the operation?

A. No, but I guess I was looking for a story of American heroics in combat; and it appeared to me that any live fire fights, any possible action that would have taken place would have already in fact have taken place, and that there was nothing there, now, but cleaning-up operations. Maybe I could go somewhere else and see what was going on. There might be a story some other place. There wasn't any particular story there that I couldn't have gotten by staying home.

Q. So, by that time, at 10 o'clock, there was no hostile fire? Nothing was going on other than these destructive activities that you have described as far as you could observe at My Lai (4)?

A. Well, as I pointed out earlier, we may have received some sniper rounds while we were in the rice paddies before we entered the village, but I'm not sure of that. The only thing that had happened that I felt there was any news value in, from my point of view, was this guy being medevac'd. It would make a nice little picture.

MR MACCRATE: My further questions are related to the period after the field.

IO: Colonel MILLER do you have any questions?

(Shakes head in the negative.)

Colonel WILSON?

COL WILSON: What was your reaction about this camera stopping the people--the group--and yet shortly after that, the camera still probably in sight, they still fired on these people? Why did the camera have an effect at one time and didn't have an effect at another time?

A. Well, when it had an effect, HAEBERLE was trying to take a picture. He was moving around with it to his eyes getting ready to take a picture, which of course, if they thought they were doing something wrong, they certainly wouldn't want to be photographed doing it. I assume that he dropped the camera back down to his chest and that they didn't feel that there was any further danger of being photographed doing something wrong, whether they thought they were doing wrong or not.

Q. He was still in the area?

A. Yes, sir. I think that he probably reassured them that he wasn't going to take any pictures or something like that.

Q. Was there a statement made to this effect or anything like this?

A. I don't recall, specifically.

Q. Did Captain MEDINA or anybody attempt to restrain you or HAEBERLE in any way in your actions or movements that morning in the village?

A. No, sir.

COL WILSON: That's all I have.

COL FRANKLIN: Are you aware, Mr. ROBERTS, that you had seen atrocities on the morning of 16 March?

A. I imagine I was aware of it. I don't recall feeling that I had seen something that I should report on.

Q. That was my next question. Do you realize what your obligations were.

IO: Colonel FRANKLIN, we are going to go into that. Do you have a couple of questions of Mr. ROBERTS?

MR WALSH: When you were at point 6 at 9 o'clock in the morning, did you observe a large group of bodies to your north or northeast in the paddy fields north of the village?

A. No, sir, I didn't.

Q. Did you observe any bodies north of the village?

A. I don't recall seeing any. Certainly, there could have been. I didn't see them. I didn't notice them.

Q. When you were progressing from point 6 through the village, where you came out of the south end of the village, did you talk to any of the soldiers that you saw in the village?

A. I don't recall talking to them. I know that when they threw the hand grenades they warned me and said something about that, but I don't remember speaking to them.

Q. You have no recollections of discussing any of these events with any person other than, perhaps, HAEBERLE, as you went through the village?

A. No, I don't believe I did discuss any of it.

Q. Very frankly, there is one aspect of your testimony that I find incredible. That is, you saw two children deliberately and carefully killed by soldiers and you then had a discussion with the company commander and you made no mention of this at all to him?

A. No, sir, I didn't.

Q. Can you give me any--you were not frightened and you were not pepped up by any pep talk that you heard about. Can you give us anything that would throw any light on why at least those actions wouldn't have been remarkable enough to cause you to say something to Captain MEDINA, whom you knew at the time?

A. No, I just didn't feel it was my place to tell the company commander about his company. I don't know why I didn't. I've spent a lot of time since that time thinking about it and mostly since this thing was brought back up in September, because a man from the CID asked me a lot of these same questions, and that question and other questions related to it are the ones that I find most difficult to live with, but I didn't have anything on my mind like that.

MR WALSH: That's all I have.

IO: Mr. ROBERTS, you've indicated that you departed the village of My Lai (4) sometime about 11 o'clock on a helicopter which had been called for. Is that about the right time?

A. Yes, sir. About that time.

Q. And you indicated that as far as you recollected it was only you and HAEBERLE on that helicopter?

A. That's all I can remember.

Q. And you went from there to Bravo Company?

A. Yes, sir.

Q. When you went to Bravo Company, did you have an initial discussion with Captain MICHLES?

A. I don't recall talking to him. He was there with-- they had a group of prisoners all sitting on the ground, a rather large group, and they were picking some of them out and questioning them and putting them back and he was nearby observing the questioning. I may have asked him how it had gone, because it seemed to me that somebody had told me that somebody had seen some mines that morning. I can't recall how I got that information, but I refer again to the notes that I made. I didn't have anything in there about B Company at all and that is probably the thing that would make anything stand out in my mind, other than having rehashed it since then.

Q. Well, what I was wondering about at this particular point in time, having just left My Lai (4) where you had seen, in accordance with your own description, about 50 people killed, quite a few of which were women and children and possibly noncombatants--whether you talked to Captain MICHLES or anyone else in B/4/3 to indicate that there was a hell of a lot of unnecessary killing or anything like that went on over there?

A. Well, we stayed with them for a couple of hours. We had something to eat while we were there, and we sat more or less by ourselves on the dike there when we ate. I seem to recall saying something about, you know, "Boy, you guys aren't doing anything compared to what they're doing over at C Company. They're really clearing that village out." But I don't remember anything specific. I think I might have said to one of the GI's close by that there was not nearly as much activity there as there was when--but I don't recall it.

Q. Yes. You're just making sort of a supposition at this point.

A. Well, I'm trying to recall what I did or what I would normally do.

Q. Now, you stayed with Bravo Company for some time in the afternoon. Did they move further to the north?

A. I don't know in which direction they moved. They did move from this area where they had these prisoners. I think they left some guards there, and I think they had some mortars set up in the rice paddies close to there. They left them there and they picked out one of the older men of the group to walk as point man, figuring that he would know where any booby traps were, and they moved to an area, oh, 10 or 15 minutes walking distance away across some rice paddies to where they were, to a few more hootches over there, and they began to search that area. There was another unit, I recall, that met us there sometime while we were searching, that brought in some more prisoners.

Q. Yes, do you remember C/1/20 joining up with B/4/3 at that time?

A. I don't think it was C/1/20. I'm not sure, but a group of men, probably not as large as a platoon, probably a squad, came in while we were searching this one little area and they brought in some prisoners. They set them down with some other people that they'd found there, and kept guarding them and continued to search this area.

Q. You indicated that you'd stayed with Bravo Company until Captain KOTOUC, whom you had known previously, came in and that you went out on this helicopter?

A. Yes, sir. I requested that they get me transportation back to LZ Dottie, and when the helicopter landed Captain KOTOUC got off of it. I was really surprised and looked at HAEBERLE and said, "Wasn't that Captain KOTOUC?" And he said, "Yes." I didn't even know that he was in Vietnam.

Q. Did he accompany you back?

A. No, he got off.

Q. He got off and stayed there with B/4/3 and you went back on the helicopter then?

A. Yes, sir.

IO: We had better take an administrative recess until we get a new tape on. We will recess for lunch until 1345.

(The hearing recessed at 1237 hours, 17 December 1969.)

(The hearing reconvened at 1353 hours, 17 December 1969.)

IO: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present with the exception of COL MILLER and COL FRANKLIN.

IO: When we recessed, Mr. ROBERTS, we were talking about your visit to B/4/3 and you had moved with Bravo Company to a new location where they set up, and it was indicated that Captain KOTOUC had been in the helicopter and you departed on the helicopter that Captain KOTOUC had arrived on.

A. Yes, sir.

Q. While you were out in the final location with B/4/3, did anything transpire concerning activities at My Lai (4) that would be of interest to this group?

A. No, sir. I don't believe I even mentioned it other than what I said before, that I might have said something about it.

Q. When you arrived back at fire base or LZ Dottie you'd indicated that you had to go into the TOC but you weren't successful because Major CALHOUN didn't want you in there, and you made some indication that you and Major CALHOUN didn't get along too well. Did this have any bearing upon what we are discussing here today?

A. Well, I'm not sure whether it does or not. If Major CALHOUN felt that his interpretation of what was going on was something that I shouldn't know about, it could have a bearing. If it was just because he didn't want me hanging around, it doesn't make any difference at all. That's why I happened to throw it in here. I don't know if it was his personal dislike for my being there or whether he thought there was something there that I shouldn't find out about.

Q. Had you had, prior to this time, other confrontations or difficulties in your relations with Major CALHOUN?

A. Well, he was normally--I forget what his job was in Duc Pho, but he was normally at Duc Pho where Task Force Barker was organized and some of the things on the operation that the PIO was trying to do--sometimes it was his word that hampered our office. We never seemed to get along too well. He seemed to think that the PIO wasn't an important function of the military operation. It was an appraisal thing. He just didn't seem to have any regard for PIO.

Q. You indicated in your subsequent discussion with Colonel BARKER that he briefed you on the operation, on what had been accomplished, and that there was some discussion concerning the number killed with relation to the number of weapons captured.

A. Yes, sir. I think I mentioned it to him at the end of our discussion and he did in some way indicate to me that he didn't feel that it was necessary for him to comment on it. It wasn't part of my story particularly, anyhow, and I would do a fine job with the information that I had. He seemed to be very happy with the operation and confident that I could do at least a passable story.

Q. This provided somewhat of a lead into the discussion of the civilian casualties?

A. It would have. It didn't turn out that way, but if I had felt like pushing it, that would have been the place to start.

Q. But you didn't take this opportunity to discuss this--the civilian casualties?

A. No, I didn't.

Q. When you returned from there to Duc Pho, to whom did you report?

A. I went back to our office and talked to Lieutenant DUNN who was, I guess, our information officer. I guess I didn't talk too much about it from what people have told me since then. They don't remember my telling them. I don't recall what I said when I got back, whether I was shocked that this would be the type of operation--I wouldn't have too much to say, but I didn't think this would be considered a normal operation. I was just pretty fed up with the whole thing. I just wanted to write a story and forget about it. I didn't even want to write the story. I think I mentioned to Lieutenant DUNN something about how am I going to write this story, about this large number of bodies and small number of weapons, and he of course was doing the same thing, because he laid out a report which was being sent to division and was later transmitted to the MACV PIO in Saigon, and he had the same figures I did, that he had gotten from the TOC.

Q. What figures were you using?

A. The 128 KIA's, and I believe there were 2 KHA's and 1 WHA and around 20 suspects or so, I think.

Q. And the weapons?

A. There were three weapons. Two carbines and an M-1 or something like that, and 40 60-millimeter mortar rounds and some web gear and medical supplies, and I think that was all. Maybe there was some hospital equipment that an element of B Company located, some kind of little field hospital setup.

Q. Had you considered the possibility that the 50 that you had seen killed in the village would have been included in this figure of 128 killed.

A. I considered it. As a matter of fact, I assumed that some of them were, but I had no way of getting any idea of the total number of people killed, and I don't know whether that 128 was actual military-age males or they had included military-age women or children down to a certain point. I don't know what the figure contained.

Q. But at this point you didn't feel obligated to go to anybody and tell them what you had seen, and so forth, during the course of the day?

A. Well, I talked to a few people in our office about it and in the next couple of days mentioned that I had seen a lot of people killed--women and children. Nobody seemed disturbed to the point of wanting to do something about it. I think HAEBERLE and I mentioned something about what this would do in the press when HAEBERLE got out the following week, but neither one of us felt that he wanted to stir up any scandal in the United States Army or an investigation of the United States Army or anything like that. We just wanted to write a story and do our jobs. I guess I wasn't very motivated.

Q. With respect to the photos taken by HAEBERLE, were you aware of the fact that he was taking these with a private camera and not turning them in to the PIO?

A. Yes, sir, I was. That is one reason why he took his own camera. He wanted to get some color slides. He had been in the past collecting some color slides, going to Duc Pho and shooting pictures of the marketplace and children running around. He wanted to put together a slide show on scenes from Vietnam.

Q. But the pictures that he had on his camera were, generally speaking, the pictures that showed most of the atrocities. We have determined that, whereas the black and white did not include them.

A. Yes.

Q. Is this considered the proper thing to do in the PIO section, within the indoctrination which you had been given in the PIO business?

A. I don't really know if I can make a value judgment or not. I know we didn't take pictures with an Army camera on black and white film of things that we couldn't use, because it was a waste of film and a waste of process time and our NCOIC, Sergeant STONICH, instructed us not to shoot anything we couldn't use. What we did with our cameras--I don't remember anybody telling us that we could or could not shoot any other particular things, other than classified material.

Q. Well, some time before you indicated Mr. HAEBERLE, then Specialist HAEBERLE, I believe--

A. (Interposing) He was a buck sergeant.

Q. But he wanted to put together pictures of these atrocities to utilize. Was this a known fact between yourself and Sergeant HAEBERLE?

A. Well, the atrocities were only a part of what he wanted to put together. He wanted to have a bunch of slides of Vietnam--on his trip to Vietnam, and he felt that atrocities did occur on both sides and he wanted to have pictures of them. I knew it. Everybody else in the unit knew it, I believe; at least I never had any feeling that it was trying to be hid.

Q. I'm not sure that I interpret you correctly. Are you saying that there were some other atrocities that you were familiar with that have not come to light?

A. Well, there was some Viet Cong atrocities that he took pictures of also. They blew up a bus in Duc Pho and they blew up some buildings in Duc Pho. He photographed that. This was the only time that he had any opportunity to take any pictures of American atrocities.

Q. Did Captain MOODY associate with your PIO at that time?

A. Yes, he was a lieutenant at that time. He was associated loosely with our PIO at that time.

Q. What do you mean "loosely"?

A. He spent very little time in it. He felt, I gathered, that we were doing a good job, and the only time he would give us instructions was at the time he had made a deal to cover or something that he was personally involved in.

Q. Well, who would you normally report to then? Lieutenant DUNN or to Lieutenant MOODY?

A. Well, I reported to Lieutenant DUNN. Lieutenant MOODY--I only reported to him when he requested it. The fact of reporting to somebody was not very accurate. Our office was run very informally. When there was a job to do we decided among us who was going to do it and they did it, and they knew that they were going to write a story on it and they did that. Lieutenant DUNN checked the story and if Lieutenant MOODY was there sometimes he would look at it and we would send it on, but we didn't have a very strict chain of command.

Q. The color film that HAEBERLE had, did he have them developed in country while he was there, or was it subsequent to his departure?

A. No, I understand that he did them himself when he was in school back in the States. There was no way we could develop color film in country.

Q. Most of it was sent out. That's true. Within the PIO section once pictures were taken, were such pictures normally referred to the command, to the brigade commander, to the executive officer, or to the G2 or the G3?

A. No, sir. We processed them and printed the ones that we could use to go along with the story, or made pictures that we would release just with captions, something that would get the 11th Brigade's name in the paper. We only checked these things out when we felt there might be a question of security.

Q. You indicated that you had some concern in writing this article which you prepared, evidently for the division newspaper?

A. More or less, yes, sir. On each operation we wrote a release and sent it through channels to be cleared. When it came back we sent it to the reporter and advisors for the paper in Saigon, and sent them to the home town of any individual that starred in the action, and I did--I was concerned with it--with how I was going to write an article that made us sound like that we had carried out--what sounded like it was the biggest operation in Vietnam that day. It was the largest number of enemy killed that day and drew quite a bit of attention, I guess, in the press briefings the next day. I wrote it from the point of view that it was successful because we had killed a large number of VC.

Q. Did you have any revulsion in writing such an article?

A. I did when I first got back, I think. I seem to remember mentioning it to Lieutenant DUNN. "How can I say this, that we killed all these people and didn't capture anything? It makes us look pretty bad." And he said, "Go ahead and write something. I'll help you with it," or something like that. When I wrote it, I more or less followed the lines that he had used when he made up his report to division, which mostly was just fact.

Q. Had you discussed the civilians, women and children that were being killed, and all the facts you had observed with Lieutenant DUNN or Lieutenant MOODY?

A. I'm certain that I mentioned it to Lieutenant DUNN, but I don't recall mentioning it to Lieutenant MOODY.

Q. I recall reading an article in a newspaper which was quoting Lieutenant DUNN comparatively recently, which indicated that he saw these statistics and that he knew that something was fishy.

A. I imagine that that is probably true, but I mentioned the large number of bodies to the small amount of equipment. He of course knew about it before I even got back.

Q. Well, do you remember reporting to him, specifically, that you observed women and children which had been killed?

A. I remember mentioning that. I don't remember to what degree. I don't know whether I went on for hours about it or whether I said, "They probably counted a lot of women and children in that figure," an offhand comment like that. We became rather cynical at times.

IO: I may have more questions later.

MR MACCRATE: Do you happen to know the division PI officer to whom Lieutenant MOODY reported?

A. It might have been Major HILL. I'm not sure. I think he might have come in later. I'm not sure. No, I think at that time it was a guy, a major, whose name started with a "G". His first name was Pat. I don't remember.

Q. You indicated that the people--you didn't identify who the people were that you were referring to when you said, "I did not report very much at that time," indicating that you recently have been talking to some of the same people in trying to bring back in your mind what each one of you did, I suppose. I wondered who those people are with whom you were refreshing your recollection.

A. Well, I talked to Lieutenant DUNN a couple of weeks ago, and I talked to Bernie GMITER who was another photographer with our unit. I asked Bernie if he remembered my saying anything. He couldn't remember anything except HAEBERLE telling about that child that flew backwards out of the lens of the camera.

Q. You also indicated that in talking with people at the office that no one wanted to disturb things. Was this the attitude of each one of these individuals in your PI detachment?

A. Well, it was the feeling that we were given in the office mostly by our NCOIC sergeant, who had been in the Army a long time, and felt that the best way to do things in the Army was to do your job and do it well and don't rock the boat. We had been fairly well indoctrinated.

Q. Did you ever hear on or about that time that an investigation was being conducted?

A. No, I didn't, and here again, for whatever bearing it might have, I asked Lieutenant DUNN when I talked to him a couple of weeks ago if he had heard anything, because he had contacted Lieutenant GORE--

Q. Lieutenant who?

A. GORE, G-O-R-E.

Q. Who is Lieutenant GORE?

A. He was the XO of our headquarters company and he was a friend of Lieutenant DUNN at the time and he may have been at LZ Dottie during the operation. I forget exactly what he was doing there, but he had something to do with this operation.

Q. Ordinarily he would be at Chu Lai?

A. No. Ordinarily he would be at Duc Pho at our headquarters company, 11th Brigade, and Lieutenant DUNN had also contacted another lieutenant who was courier for Task Force Barker. He contacted him recently and asked him if he heard of an investigation because the young lieutenants would listen whenever they could, to find out what was going on. They always wanted to be in the know. And Lieutenant DUNN seemed to think that there was nothing he heard about and he got around fairly well, and I got around fairly well and I didn't hear anything unusual.

MR MACCRATE: The courier would be in the PI detachment?

A. No, he worked for--directly between Task Force Barker command, which would be Colonel BARKER and his 1, 2, 3, and so forth, and the brigade command, the TOC there. He would take orders out to Colonel BARKER and things like that.

IO: Well, is courier the proper word here, Mr. ROBERTS, or the definitive term "liaison officer"?

A. I think liaison officer was what he was called. That's right, sir.

MR MACCRATE: Well, you were never questioned by any investigator in that time frame?

A. No, sir.

Q. Were you ever questioned before the CID questioned you?

A. No, sir.

Q. You had referred earlier to a discussion you had that night--I gather the night of 16 March--with Mr. HAEBERLE. You did get back from LZ Dottie to fire base Bronco that evening?

A. Yes, sir.

Q. And you made this whole return trip with Mr. HAEBERLE, I gather?

A. That's true.

Q. And in the course of that trip back, or that evening, did you discuss the day's operations?

A. We discussed them some. I don't remember again to what extent we dwelled on it. I had to write a story and he was concerned primarily with packing his bag, since he was very "short", and I believe he might have processed the film, but I think that is about all he did before he left. We probably spoke some about it. I know we talked about that child that was shot right in front of HAEBERLE's camera.

Q. Well, did you do some agonizing together, as to the reports that you might be each making or the story that you had to write. Did you share with him some of the concerns in your mind that you indicate that you shared with Lieutenant DUNN when he returned?

A. No, I thought we mentioned something about it when we walked out of the TOC at LZ Dottie--about, "How am I going to write a story like this?" It was just an off-hand comment. HAEBERLE was not at all interested in my writing the story.

Q. What was he interested in?

A. He was interested in going home. He was interested in taking some good pictures home with him.

Q. Did he indicate to you at that time any intention of what he was going to do with these pictures?

A. I think we mentioned what the press would do with photos like that, and we more or less--well, I was going to get a copy of the photos from him when I got out of the Army and came through Ohio, and I was going to come through there and pick that up. He was going to make me a copy of the pictures, but when I came through Ohio he was away at school. I got my photo gear but I never got any pictures and he had never released them.

Q. In addition to talking to Lieutenant DUNN, had you spoken to others who were there with you at the time, either in or out of your detachment?

A. Lieutenant DUNN spoke with just about everybody. He talked to HAEBERLE about 3 weeks ago. I've talked to Lieutenant DUNN. I talked to Bernie GMITER and Lieutenant DUNN and talked to POHLAND, one of the guys who was there. POHLAND later went right into the PI detachment. Kevin HOWE, he's a writer out in California. I've written to him and he's written to me a couple of times. Lieutenant DUNN talked to Jim FORD, who is staying out at the Presidio, to see what he could remember about it. I think just about everybody in our unit has talked to one person or another and eventually all their comments sifted back to me.

Q. Well, has any of this given you any further background as to what information was being circulated at that time?

A. I think all of the knowledge that was being circulated I have just brought out, which is not very much. It was gained from my searching my knowledge. It wasn't from the comments, because I don't remember what I said when I got back. I thought at first that I probably told them the whole story, but nobody I have talked to remembers my telling the story, so I must not have.

Q. Did you have at the time any contact with people at Chu Lai, at the PI detachment?

A. You mean did I know any of them individually?

Q. Yes, did you travel around the area and at times get to Chu Lai?

A. Yes, sir, I got to Chu Lai every couple of weeks.

Q. Do you have any recollection, as you moved around the area, about hearing any comments about--was this something being discussed?

A. No, I think I mentioned it to one of the guys in the PIO in Chu Lai when I was up there one time. One of the guys was a pretty good friend of mine.

Q. Who was that?

A. Mike CHELSE. He called me and asked me if this was the same thing that I talked to him about when I was in Chu Lai. So, I must have mentioned it to him because he mentioned that total for his operation, but they didn't do any other research on it.

Q. Was this the story from the Southern Cross publication entitled, "11th Jungle Warriors Battle Enemy in Southern Quang Ngai"? Do you recall that? Is that something prepared by you?

A. This was prepared by division.

MR WEST: Another sheet shows the date of that.

A. It was the first. Is this all the same edition?

MR MACCRATE: That's the way I understand it.

A. It's the anniversary edition or something like that. I think the Americal Division wrote a history of what they had done since they had been there, and Task Force Barker was considered a very successful operation.

Q. In this anniversary, in heralding the doings of the brigade, reference was made that the artillery was especially effective during the two battles of My Lai, when its fast-firing cannoneers blasted nearly 100 of the total killed. Do you have any idea of the origin of that information?

A. No. That of course was written quite a while after it took place, and it may have referred to other battles of My Lai or the Pinkville area.

Q. Was there anything in your report of this engagement that referred to artillery as playing a large part?

A. I believe that I did refer to the artillery in that story--in my story. I read it over once a few weeks ago, but I haven't read it since then. Lieutenant DUNN may have a copy of this. As I say, I took a lot of copy from what Lieutenant DUNN had written, because I just followed the general outline of the way he wrote it.

Q. Did you have any questions raised at that time about the artillery and those KIA's?

A. No, I think I mentioned earlier that when I saw these groups of bodies, or a group of bodies, I thought that it was possible that they had been killed by an artillery barrage; and also when I crossed that irrigation ditch that the ground was torn up, and I thought at first it was done by artillery. Then I later decided there couldn't have been too much artillery because I didn't see any craters.

Q. Did you have any standing instructions from Lieutenant MOODY or from Lieutenant DUNN as to what you were to report regularly to them?

A. No.

Q. You had gone into PIO back in the period that you were in Hawaii?

A. Yes, sir.

Q. And when you made the transfer over to PIO at that time what kind of indoctrination did you receive?

A. None. The only people in PIO at the time I transferred were Sergeant STONICH, HAEBERLE, and Terry NORTON, who was another photographer.

Q. Well, did your transfer consist just of reporting to one of them?

A. More or less.

Q. Well, who was in charge of the detachment when you were first assigned to it?

A. I believe it was an additional duty of the S1, but run entirely by Sergeant STONICH, who oftentimes reported directly to Colonel HENDERSON, or another colonel, depending on who was there.

Q. Is there a book of regulations or directions--something that you get when you move into PIO--which are the rules for your operation. What do you receive? What did you receive?

A. There's a section in the Army regulations that tells what the duties of PIO are; to what extent things might be classified; information of a confidential nature; security, that type of thing; and I read all the AR's, but I don't recall anyone giving me specific instructions.

Q. Did either the S1 or your sergeant point you in the direction of what you should read? Give you any indication as to the indoctrination you should have for yourself?

A. Sergeant STONICH briefed me pretty well. He told me all the AR's that referred to PIO and showed me the type of work he was doing and told me basically that we were trying to spread the name of the 11th Brigade and, you know, make it look the best we could.

Q. Did he say anything to you about the kind of information that, if it came to your attention, they would want it reported to them?

A. Well, oftentimes there was information even back in Hawaii that we had to know about, but we certainly didn't report it to anybody. We just knew about it in case we were asked. There were several things that took place, even in Hawaii, such as a man drowning in a training operation. We didn't report that to anybody other than the fact that we knew about it. We had to be knowledgeable in that if a question was directed to us. You knew what to tell them and what not to tell them.

Q. Did I understand that all writing that you would have prepared would have been submitted either to Lieutenant DUNN or to Lieutenant MOODY at this particular time? You indicated that you wrote a story on this operation, and I believe you indicated that it was published in three places?

A. No, I said that's where we sent all of our stories. I think it was published in the Stars and Stripes, and of course we printed it in our little brigade newspaper, or whatever you want to call it, and I'm not sure if anybody else read it.

Q. Do you happen to have copies of the brigade newspaper at this time?

A. I had one. I don't know whether I can find another one or not. I know that Lieutenant DUNN had the one that POHLAND had.

Q. I think it would be interesting for us to see any publications from the brigade that could help us fix some times of that information.

A. The local newspaper that we did put out was printed--part of the front page of it, in the Chicago Tribune. Just a picture of the top part of the front page. So maybe you can pin it down that way. I might be able to find a copy.

Q. Did you take particular units within the brigade and try to give them special credit?

A. Yes, sir, we tried. I guess, more or less, the purpose of the paper was morale for the units. They could identify with their unit.

Q. Was this when you treated the big artillery triumph? I see that, at least later in August, that it seems to be so characterized in the division paper?

A. No, I don't think--

Q. (Interposing) That which appeared in the brigade at the time.

A. No. I think that the artillery was mentioned in there and it probably ran something like, "Artillery softened them up and then Charlie Company moved in swiftly. We had little resistance. We secured the area." That type of thing.

Q. I just have one more question. You indicated that you were told recently that the sergeant with whom you went on the second lift, who was in charge of the squad that you started out with, was Sergeant WEST. How did you pick up that identification?

A. Well, that picture where I told you I was in the back of the line across this field that HAEBERLE had taken. It is obviously me because I had a little pack on. That picture was shown to Sergeant WEST by, I guess, the people from the Chicago Tribune, and Lieutenant DUNN told me he identified himself in the picture, so I assume that if it wasn't he on the helicopter, it was his squad that

I was moving with, if his identification was correct.

Q. I missed that. Lieutenant DUNN?

A. He works with the Chicago Tribune now, and he's been doing a lot of research for his paper, and he has called me a couple times and written me concerning what he is doing.

IO: Colonel WILSON?

COL WILSON: Nothing.

IO: Mr. ROBERTS, did Sergeant HAEBERLE take any pictures that you haven't seen as yet? On this operation?

A. I don't know. I--he pointed out to me when I talked to him about 3 weeks ago that he took about three rolls of black and white, and I don't recall that he took that many. I told him that I didn't think that there was that many, maybe just one roll, but I have no way of knowing how many pictures that he took. The ones that I remember his taking I have seen.

Q. I would like to ask you two questions, Mr. ROBERTS, that are very germane to this investigation that we are conducting. The first question is, why did this thing happen?

A. Well, that's a very difficult question and I have pondered since this thing was brought out in the press. I think basically it was a reaction to frustration by these people that were in this operation. I don't think that they had orders to go in there and shoot women and children. I think they had orders to go in there and clean out this VC nest, and I think that they expected to have a lot of resistance and to be really in a heavy fire fight. They had been in the same area two other times in the past 2 weeks, and they really had been in a lot of trouble. I think the press brought out the fact that they had a little memorial service for one of their people who was quite well liked. It was rather an emotional little service and it probably helped to heighten their hatred for this area and the VC in this area. Plus the fact that any GI in Vietnam is in a frustrated situation. He doesn't know who to be friends with. Children coddle up to jeeps and drop hand grenades in them. You can't trust a child because anybody in Vietnam--because you don't know

who your friends are. I think that these things were working on these people. The situation was right and they went in there to clean out this VC nest and some of the individuals among the group got carried away. In every large group you find some hostile people and some don't-care-type people, and I think the hostile people, the I-don't-care people did what was done there. It was just a bad reaction to these instances and the situation in Vietnam.

Q. You also indicated in your earlier discussion that these pep talks that they received, did that also seem to add fuel to fire, so to speak?

A. I think generally that that was a considerable factor. Also, the fact that they really had made no headway in the two previous engagements and the fact that they had taken quite a few casualties. The fact that this time they were going to be ready and go back in there; nothing was going to stop them, which is the type of thing that I would think would be a good way to brief guys when they're about to go into a heavy fire fight, where they would expect to have their friends dropping all around them. "Don't stop for anything. We're going to take this hill," that type of thing, and that probably was the type of pep talk that I referred to earlier, although I don't know.

Q. But the men were worked up to quite a high pitch?

A. From what I understand, from what I had heard, they weren't going to be easily put down.

Q. This is not a related question to that one, but did you see any indication whatsoever of the possibility of these men being souped up with marijuana or any different form of drugs or narcotics?

A. No, I didn't. Many GI's in Vietnam use marijuana, but very few of them use it during their duty hours because they feel that anything that hampers their ability to stay alive isn't such a good idea. They use it as an escape like, because booze is hard to get over there.

Q. You were in My Lai (4) and you saw at least part of what was going on, and I qualify it by saying I do believe you saw part of what was going on. Do you have any appreciation of how or why this situation had never come to light until recently?

A. That would lead into why I never felt duty-bound to say something to somebody.

Q. Well, part of it is you, but it is far more inclusive than just you. I separate you from the context.

A. The CID investigator asked me the same question, not in those words, and I have thought a lot about it since then, and I really have never been able to answer it in my own mind. I feel that what took place there was wrong in a humane sense. Killing people without the benefit of even questioning is wrong and it is not something the Army normally does, but in this situation, and in my situation, I never felt called upon to bring it up. I felt that nothing would be gained by adverse publicity of the Vietnam war, even though I'm not for the war, and it wasn't necessary for me to bring it to the public's attention or to any individual's attention. I still can't justify it.

Q. Well, I don't know if any of us can justify it, frankly. I would like to go back a little bit into your entry into the military service. When did you enter the service, Mr. ROBERTS?

A. September of 1965.

Q. And what had you done prior to that time?

A. I was with the Army Exhibit Unit at Cameron Station in the Field Operations Office, scheduling tours, and left there in the summer of 1966. I transferred to Hawaii to the 11th Brigade right after it was first formed. I was company clerk there with Headquarters Company, 1/20, which is where I knew Captain MEDINA and Captain KOTOUC, and after being there for about 8 months I transferred to the PIO office.

Q. How much education had you had before you entered the Army?

A. A college degree, bachelor of science.

Q. And what discipline, may I ask?

A. Business administration.

Q. When you received your basic and advanced individual training in the Army, did you not receive

training in the rules of land warfare and the Geneva Convention?

A. Yes, sir. I only had basic training. I wasn't in AIT, but in basic training they included courses in the Geneva Convention. I can't recall specifically, but I know that it was part of the training.

Q. I have here a manual that covers this. There is no question in your mind that the killing of women, children, toddlers, babies, even PW's, in accordance with the laws and the rules of land warfare, is not permitted?

A. That's true.

Q. And in addition, what indoctrination did you receive in Hawaii before you departed for South Vietnam in regard to the rules of land warfare and in regard to the Geneva Convention, and in regard to such things as treatment of women, children, noncombatants, and treatment of prisoners of war and things of that category?

A. Well, I had very little training compared to other members of the 11th Brigade, the infantry people. Most of my time was spent in working in the PIO office or through the PIO office taking photos of awards being presented, and that type of thing. I did have some training. I attended a couple of lectures where they briefed us on our objective over there, which was to make friends and win the hearts and minds, which is tritely stated, but we were over there to help these people and rid them of Communist oppression. We weren't over there to destroy them, but to destroy the Communist threat. Referring to the rules and laws of land warfare, I don't think that I was instructed on anything specific.

Q. Well, I have here a document which is issued by Headquarters, Military Assistance Command, dated 14 October 66, Directive Number 525-3, and it cites basically the very things that you are referring to. You may desire to look at this, at least the front page, or any other part of the document if you care, to see the instructions which MACV had published concerning such things as how to treat the people properly, so we don't create additional adversaries. Not only from the point of view of the humanities connected with it, but just out of plain common sense not to create stronger VC--

A. (Interposing) Absolutely. This was the tone on that topic, Exhibit D-6 is it? It was along the lines of the lectures that I mentioned that I did attend.

Q. I have also another document, Mr. ROBERTS, that I would like to acquaint you with, which is another MACV document dated 27 April 67. It is regulation 20-4. It's called, "Inspections and Investigations, War Crimes." I would ask you to read paragraph 5a here on the second page (Exhibit D-1). Was this ever called to your attention?

A. No. That was probably a part of the training that the individuals went through but, as I said, I didn't go through much of the training that the infantrymen of the 11th Brigade went through. I don't recall having that paragraph read to me, but I'm certain that I was aware that if something did come up, I guess it should be brought to somebody's attention. I don't remember ever thinking about it.

Q. This was the reason why I'm asking you this. Here we have these regulations which are enforced, and we have many indications that there were indoctrination classes held for people coming in where this matter was not only published but almost drilled into people. War crimes and atrocities are to be reported by anybody and everybody; if anybody has any knowledge or any allegations it is to be reported--and yet here we find a situation as bad as it may have been. It would have been far better to have it brought to light then than a year and a half later.

A. I agree. Possibly some of the reasons that those things aren't brought to the attention--and I'm sure smaller and less significant atrocities have taken place, perhaps one of the reasons that they are not brought to the attention of commanding officers is because of the fear of shaking up the system. Fear of commanding officers, which is not necessarily a good thing in that respect, has something to do with discipline. I don't know of anybody among my personal friends who would have gone to a commanding officer if he witnessed something along this line and said some civilians were killed in military action yesterday, and we have got to look into it. I don't think that anybody that I knew would feel that basic, and go to a commanding officer, and ask why this was happening. I don't know why. I don't know whether it was fear or the the fact that he was trying to take it easy in the Army

and then get out.

Q. Or they didn't want to become involved?

A. Maybe that they didn't want to become involved. Maybe they felt that their situation in the Army was best. That they could just slide along in the Army until they got out by just doing their job to the best of their ability or to a plausible level, and by the old saying of not rocking the boat. I know that this sergeant, our NCOIC of our unit, felt very strongly that the way to get by in the Army was to just to do your job, be there when you're needed, and don't be there when you're in the way.

Q. And enjoy your paycheck?

A. And enjoy your paycheck. That's unfortunate. It's a bad situation. I'm not sure that it is the Army's fault, either. Maybe it's people like Sergeant STONICH's fault, because he is the old soldier that passes on to the new men how to get by in the Army. I don't know what the reason is. You certainly have been in the Army a considerable number of years and are familiar with many more aspects of it than I am, and I'm not sure that you can answer that question.

Q. Well, I'll tell you something for the record. If at any time anybody in my command had seen an atrocity I would hope that they felt they knew me well enough to come to me and talk about it.

A. Well, I would hope that there are more commanders who passed that feeling down to their men in Vietnam, but I'm not sure it is that kind of feeling. I know that there are some commanders in Vietnam that any man who has a problem can go in and talk about it, going through the chain of command, but there are some that you would never get to see.

Q. Well, ROBERTS, I'm not going to make you agonize on why, with this information that you had available, that you did not report it. I'm sure you have done a lot of personal agonizing on this.

A. Yes. sir.

Q. I really don't think there is much to gain. This is probably a personal issue with yourself. Mr. MACCRATE, do you have any additional questions?

MR MACCRATE: No, I don't believe I do, outside the identification of the pictures.

IO: We will have Colonel WILSON go through these with him.

(The hearing recessed at 1502 hours, 17 December 1969.)

(The hearing reconvened at 1513 hours, 17 December 1969.)

IO: The meeting will come to order.

RCDR: All persons present before the recess are again present.

COL WILSON: Of the black and white photographs, Exhibits P-2 to P-25, those photographs that cannot be identified by the witness are numbers 4, 2, and 25. Is that correct?

A. That's correct, sir.

Q. Those photographs that can be identified as being located in the B/4/3 operational area are photos 18, 19, 20, 21, 22, and 23. Is that correct?

A. That's right.

Q. Those photos which can be identified as being in the My Lai (4) area are photos 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 24. That completes the black and white photography. Those photos in the color photography group which cannot be identified are photos 28, 38, 39, and 42. Is that correct?

A. That's correct.

Q. There are three photographs numbered 26, 27, and 29 which are concerned with the movement to the objective area and the landing on the landing zone. Is that correct?

A. That's correct.

Q. Photographs 30, 31, 32, 33, 34, 35, 36, 37, 40, and 41 can be identified as being in My Lai (4). Is that correct?

A. That's true.

Q. Those photographs of the black and white series which you can identify as being in My Lai (4) place on the aerial photo in green ink with the number of the photograph indicated by green ink.

A. Starting with the black and white?

Q. Starting with the black and white.

A. Photograph 24, a picture of man cutting corn stalks is in the area between point 6 and point 7, somewhere near point 6. I'll mark it as 24 in green ink on the map. Picture 3 is an old man being led from a hootch that took place in item 12 on the map. I'll mark that in green ink. Could I put these all together or something? They took place in one spot. They are all of CARTER or most of them took place at 11 or right behind it.

IO: Draw an arrow.

COL WILSON: Just draw an arrow to it and put the numbers out in a larger circle.

A. Pictures 6--wait I'll mark 5 first. Picture 5 took place between point 6 and point 7 on the map. It shows a man searching in a hedgerow, digging in a hedgerow. Picture 6 refers to CARTER being wounded. Photos 6 and 7 are in the same spot, CARTER being wounded, being treated by the medics. Picture 8 shows the same thing, CARTER being wounded with Captain MEDINA in the background. Picture 9 shows CARTER being helped to the area where the dustoff chopper is going to pick him up which would be here in an area along this road.

IO: I think you marked that by 13 didn't you?

A. I marked the place where the helicopter picked him up as 13.

Q. Anywhere close to that. That's all right. We don't have to get it down to a meter or so.

A. Picture 10 shows CARTER waiting for the helicopter in about the same area, and 11 shows CARTER being carried out to the dustoff chopper, and 12 shows him being loaded on to the chopper, and 13 shows a bunch of men relaxing on a dike which I'll draw an arrow to mark on the

map. It's the area where he was dusted-off. Photo 14, I can't remember exactly where in the village it takes place, but I remember HAEBERLE wanting to take a picture of the guy setting a roof on fire. It was somewhere in the interior of the village. How do you want me to mark that? Or should I leave that as one that I can't identify?

COL WILSON: You can identify it but you can't locate it. How close can you locate it?

IO: Was it before or after you encountered the group of women and children?

A. I don't really remember, sir.

Q. Draw an arrow somewhere to the middle of the village. Let's not try to be precise.

A. Photo 14, I'll mark that. Picture 15 shows a man throwing a drying basket into a fire, and that took place right here, and picture 16 shows some bodies burning with some straw on them, and that took place at what we referred to as item 7 on the map. I believe that completes the black and whites.

COL WILSON: That completes the black and whites. Now, the next series --

IO: (Interposing) Before we get into that, let me ask you one question if I may. I have here two photos, 21 and 22. Do you recognize that as being the old man that you related to late in the--after you left point 11?

A. No, that was the picture of the old man--that old man was picture 3.

Q. That was being led out.

A. Yes, his pants are falling off. This is the old man that they used as point man in B Company when B Company moved and they moved with them. They used him to walk point to watch out for mines.

Q. Do you recognize those two people who were with him?

A. Yes, I recognize this guy. He was referred to

as "Bull" JOHNSON. I don't know if he was a sergeant or a lieutenant but he was in MI and the other guy, I don't remember his name, but he was an interpreter. He was with B Company at the time.

Q. Could it be Sergeant MINH?

A. I might have been Sergeant MINH. I think it was because Sergeant MINH was killed later and I think this was the man.

Q. MINH was killed later?

A. Yes, he was killed about a month after that.

Q. I show you another picture on the other side.

A. That I guess is Sergeant MINH too, and that's JOHNSON back there. This is also with B Company.

COL WILSON: Identified as Photo 21.

IO: And 22.

A. Yes, 21 and 22 are --

Q. (Interposing) With Bravo Company. That helps clarify one matter. All right, go ahead.

COL WILSON: The photos that you previously identified as being in My Lai (4) or in the vicinity, if you would take those photos and plot their numbers as close as you can locate them in the village.

A. All right. Photo 30 was when these men were firing or preparing to fire either on the people who were on the road that I referred to as point 1 or the people that were in the field that I referred to as point 5. It was while we were moving either across or back across the rice paddies outside of town. So, I'll just plot it in the open area here, and it can refer to either point 5 or point 1. That's photo 30. Photo 31 is a photo of bodies on the road that I referred to as point 1 earlier. Photo 32 is the woman that I referred to who was with the girl child, and I referred to that as point 2 on the map earlier.

IO: That was just south of the road as I remember it, right?

A. Right, just off the road in an edge of an irrigation ditch. Photo 33 is bodies lying by the side of a burning building which I referred to as point 7 earlier. Photo 34 is a closeup of the same burning hootch at point 7 on the map, a closeup of two bodies on the front porch. And 35 is a man throwing some drying baskets into a fire which is at the same point picture 15 was taken. Photo 36 is CARTER awaiting dustoff which would be one of the list here, and 37 is a picture taken down the well which I referred to as 10 earlier, showing a man's head floating in the water and HAEBERLE's head and reflection at the top of the well. Picture 40 refers to the incident at point 9 on the map and picture 41 refers to the bodies lying on the road south of town which I will draw an arrow to.

COL WILSON: That completes the photographs, sir.

(COL MILLER joined the hearing.)

A. Picture 17 was taken by HAEBERLE from the dust-off chopper after we had dusted CARTER off, looking back towards the men along the road watching the dustoff. I'll add that to this growing list here.

Q. Was this 17 immediately after the dustoff?

A. I believe so. I believe it was taken by HAEBERLE after the dustoff looking back towards the men that had been left there to secure the area.

IO: After the dustoff or after your departure from the area?

A. Well, now that you mention it, it could have been either. It could have been taken when we got into the helicopter. It was in the same area and very close to the same time frame in looking back at the dike from the air. Both the helicopters landed at the same spot.

Q. Just one matter of clarification, now that you have identified one individual and his interpreter in the picture. Do you remember the man whom you referred to as "Bull" JOHNSON and his interpreter accompanying

you on the helicopter?

A. Over to Company B? No, sir, I do not. I don't remember anybody being in there with us. It could be but I don't recall it. I never remembered that he was with B Company but I guess that he could have been.

MR MACCRATE: It seems quite apparent, as I have tried to follow your testimony, that the photographs that we have now gone through--that there are some additional photographs of this operation that we do not have as part of our record at the time. You described one I remember of the squad as it was heading south, your place in that squad and where Mr. HAEBERLE was in relation to your place. I think there was another that you referred to which we haven't found among the--do you know anything about these other photographs? Where we might be able to locate them?

A. I had a copy of that particular one that you mentioned that I gave to Life magazine and I'm supposed to get it back. If I get it back I'll give it to you. BOWEN had a copy of that one that he gave to Art DUNN, formally First Lieutenant DUNN, and the Chicago Tribune has printed it. So, I know one of those people have a copy out there.

Q. When the young child was shot in front of Mr. HAEBERLE did any photograph result from that?

A. No, not at the time. He claims that one of those that I couldn't identify is that child taken from further away but I don't believe it was. He didn't take a picture when the child was shot. He just stood up and looked around in shocked disbelief.

IO: Mr. ROBERTS, would you, to the best of your ability, give us the spelling of Sergeant STONICH? Is that the way you pronounce it?

A. John STONICH. He's stationed at the recruiting station at New Orleans.

Q. How do you spell his name?

A. S-T-O-N-I-C-H. He is publicity director for the recruiting station.

Q. During the remainder of the time that you

remained with the 11th Brigade, did you ever hear of a statement to keep quiet concerning what took place in My Lai (4)? That this matter was being investigated?

A. No, not at that time. As Mr. MACCRATE was saying, I have talked to some people since then. Bernie GERMEIDER, who I referred to before as a member of our unit, said that after I had left a guy named SIMPSON worked in the headquarters company orderly room and he had been out in that operation. Bernie got the impression that he knew he wasn't going to get sent to the field again because he had something that he could hold over their heads but this is for my part hearsay.

Q. What was his name again?

A. Well, Bernie said it was SIMPSON. He said he was a colored fellow that worked in the orderly room. This was just something that Bernie told me a couple of days ago or a couple of weeks ago.

Q. While you were there did you hear of any attempt to cover up or suppress information of what transpired at My Lai (4)?

A. No, I didn't. I heard no references to it at all, other than my own, that I can recall.

Q. Within your PIO shop was there an attempt to smother any knowledge of this from leaking out?

A. Well, no one in the PIO shop, that I know of, wanted to take it to anybody, but this of course brings up the question that we just spoke about. I know that Sergeant STONICH was concerned that there were pictures in the black and white photos there of hootches being destroyed by fire, and I don't recall specifically which one it was. It may have been the one where the guy is putting a torch to the hootch.

Q. It comes to my mind, we have picture 14 which shows burning or at least the igniting of a hootch. We have picture 15 which is closely related to picture 16 on the reverse.

A. No, it's not.

Q. Is it two different instances?

A. It took place at two different places.

Q. Picture 16 definitely includes two bodies, one on the porch and one--

A. (Interposing) It turns out to be three. There are two on the porch there. Picture 16 took place at point 7 in our earlier discussion and picture 15 took place due east of point 11 in our earlier discussion, and picture 14 I identified as happening someplace in the interior, and these pictures are the ones that Sergeant STONICH expressed some concern for being taken. He more or less reprimanded HAEBERLE for taking pictures which were detrimental to the United States Army. HAEBERLE could care less. He was leaving anyway.

Q. This is the thing that I am really interested in, having these pictures taken. Were these pictures, 14, 15, and 16, referred to the commander or any senior members of the staff?

A. No, but I never understood--shortly after this the term search and destroy was eliminated from my military vocabulary, but I believe at this time it was still a term used and this wasn't an unusual operation. Picture 16 may show something that would not be a usual military operation. It is a picture of bodies burning, but igniting hootches is not that unusual as they are cleared and people are evacuated.

Q. Who could clear the burning of hootches or hamlets and so on?

A. Well, my impression was that it was an on-the-spot clearance given by the officer in charge of the unit in question. If the hootch was determined to be a VC hideout and had foodstuffs and maybe things hidden in there, many times they would burn the hootch and evacuate the people either to a PW camp or possibly to a resettlement village.

Q. Sometimes this type of operation is referred to as a denial operation, where the inhabitants of hamlets are moved to a refugee center. Sometimes these things do take place. Coming back to the point that I was just raising, occasionally the type of operation that you had mentioned did take place, but it took place, however, in

coordination with the GVN or the Government of the Republic of Vietnam, so that refugee camps and other facilities that could take care of these people were available. Under those circumstances, in some instances, people were moved from their area and the hootches burned and in some cases other activities took place--to level the area, to destroy the mines and other things in there. But under normal operations, it was never intended that all the hootches and so forth just willy-nilly be burned, because this creates more of a problem than it corrects.

A. Well, I certainly realize that, but I'm sure that it still does take place in isolated instances. In any case, the point that we were bringing up was that Sergeant STONICH did not think that this type of photo should be taken because it showed the Army doing something that I guess he considered wrong, having more knowledge of the Army than I.

Q. Was he ever acquainted with the fact that HAEBERLE had some color film of atrocities, and so on, which he had not produced?

A. I don't know if he knew about HAEBERLE's color film or not. I know that some other members of the group did, but I don't know whether Sergeant STONICH knew. I'm not sure that Sergeant STONICH knew all of what took place, or that he believed it all. He certainly was familiar with these black and white photos.

MR MACCRATE: Mr. ROBERTS, did you from time to time talk with the aero-scouts of the 123d that were based at LZ Dottie?

A. Not at that time. I had talked with them, though. We sent some of our men out with them one day.

Q. Did you at any time hear any discussion relating back to this incident?

A. No, I never did.

Q. Did you ever hear any reference to any member of that unit talking about it?

A. No, I never heard any reference at all to it.

Q. Just as a matter of identification, you have

indicated SIMPSON being identified in the orderly room. You may have stated, but I didn't check where the orderly room was?

A. The orderly room at headquarters company of the 11th Brigade, which is at Duc Pho. Bernie told me that he had been an RTO there that day. I didn't know him at the time.

IO: Any questions you want to ask?

MR WALSH: When the negatives from the black and white film were developed, where were they developed, first of all? Could you give me the procedures on that?

A. We developed them at Duc Pho. We had a photo lab set up in a CONEX container right next to our office hootch.

Q. And are you familiar with the procedures for maintaining negatives of photographs taken during the course of an operation?

A. Yes, we took the pictures out that we wanted to use and filed the negatives along with the contact sheet in our office.

Q. To the best of your knowledge would the negatives for the black and white film here be located in the PIO files of the 11th Brigade?

A. To the best of my knowledge the black and white photos that are shown here were made from those negatives that were taken from the 11th Brigade.

Q. Those pictures were taken from the negatives of the 11th Brigade?

A. As I understand it, these pictures were taken from the negatives--made from the negatives which the Army acquired from the 11th Brigade. That is the impression that I got from the CID man.

IO: I think Colonel WILSON can straighten out that point.

MR MACCRATE: But we do have, additionally, unaccounted for

pictures, as I understand it, and therefore the location of those negatives may be a matter of interest to us.

A. Well, the picture that you referred to was on the same roll, but I don't know why there is not a picture here for it and for other additional pictures that HAEBERLE seems to think were taken. I don't recall whether there were any.

Q. Would it be 36 exposures to a roll on the Leica camera?

A. It would either be 20 or 36. More likely 36.

IO: Colonel WILSON?

COL WILSON: I have one question. Do you feel the position that Sergeant STONICH took regarding one of these photographs could have dissuaded HAEBERLE from trying to bring these photographs out, the reference that one of these photos was not favorable to the Army?

A. No. I think that HAEBERLE would have done what he wanted to do, because he was in the Army only another week after that.

COL WILSON: That's all I have, sir.

IO: Before we recess here, I'd like the legal officer to go over with you some instructions and some other information that he may give you.

COL MILLER: Mr. ROBERTS, you are now aware of the purpose of this inquiry and certainly you had the experience of testifying here today. At one point this morning, you stated that you are having difficulties in distinguishing between your recollection of personal experiences at the time and what you have read in the papers and what you have heard from others. It's hard to distinguish that. I think you can understand that's why here we would like to have testimony that is as unaffected as possible by these outside influences. We're trying to get at the truth of this matter and we are trying to do this on the basis of official records, other documents, and the testimony of witnesses taken under oath. It's highly possible that the recent

reports and conversations that you may have had were a highly significant influence and have distorted your true recollection and your testimony. Therefore, we have directed all military witnesses and we are requesting all civilian witnesses before this inquiry, to not discuss outside of this hearing their testimony given here. We also request that the witnesses not discuss directly or even indirectly the My Lai incident, including the subsequent investigations and reports, with any persons who have been connected with the incident in any way and who has been or may be called as a witness. We may call some of the witnesses back. There are exceptions to this. That is, in the case of an individual directed to testify and give evidence before an official legislative or administrative body or another judicial or quasi-judicial body that is investigating the same thing. Several witnesses that have appeared before us or are scheduled to appear are subject to the order of the military judge in the court-martial case of the United States v. Calley. It is an order to refrain from discussing the case. As those witnesses come before us, we explain to them that the order is still applicable. We have a list of individuals who are reportedly subject to the orders of the military judge in that case. Your name is on that list and consequently this morning when I advised you about the applicability of this order, I was surprised to hear you say you were not subject to that order, and you appeared to be surprised that you were subject to that order. Later today I was advised by a representative from the Office of the Staff Judge Advocate at Fort Benning that on or about 1 December you signed, or at least there is what purports to be your signature on, a certified mail receipt acknowledging the receipt of instructions or letter orders issued by the trial counsel in that case pursuant to the military judge's order. I don't know whether you received it or not, of course, I do not know. So, to reiterate, I do request on behalf of General PEERS that you not discuss your testimony with others, either other witnesses who have been called or may be called, except as you are required to do before a judicial body or legislative or administrative body investigating this matter, and if you are subject to the order of the military judge in the Calley case, I remind you that your appearance here does not affect that order in any way. It still stands. Do you have any questions? I have covered a number of matters.

A. Well, I have one question directly related

to that, in that I don't completely understand how I am subject to the order of the military judge of Fort Benning. I ask if you could just explain that just briefly.

Q. I'll give you my explanation of it, although I'm not in that chain.

A. I understand what we have discussed and, as you have just brought up, the reasons for it, that this could change a person's testimony eventually or something like that, but I don't completely understand how I fall under the jurisdiction of that military judge?

COL MILLER: In a court-martial, witnesses can be compelled to answer subpoenas, of course, to appear and testify, even though they may not be in the military service, and the judge's interest in this case is the same as ours here, to protect the rights, also, of the accused. It's a very important matter. Just how he would enforce this order, I don't know at this time.

A. I understand the reasons and agree that it can be and probably is an important matter, but I was just curious how the military can even subpoena a civilian unless in compliance with Federal law.

COL MILLER: The Uniform Code of Military Justice was enacted by Congress as Federal law, and the Manual for Courts Martial is an executive order published by the President.

A. And the other question I have is more for General PEERS than anybody. I was just curious, if it's any of my business, what the reasons are for this investigation, other than the obvious one that we certainly would like to prevent any recurrences of this and do as much about it as possible.

IO: We have gone through the regulations. The regulations indicate very clearly that whenever an atrocity is committed, irrespective of by what side, whether it involves one individual or might be termed a "massacre" such as this, people are obligated to report it, and this is every atrocity, irrespective of whether it is an atrocity in fact or only an alleged atrocity. In accordance with all the regulations, it is supposed to be investigated and investigated properly, and in the process of this, either

in the investigation itself or within elements of the command that had to do with the incident, whether there was any attempt to suppress information of what transpired in My Lai (4) on the 16th of March. That goes to the very basis on which the Army is established: honesty and integrity within the military establishment. This is one of the basic things that we are looking at right now in order to develop the information that we have to have on the investigative process and the reports, and so forth, associated with it. We have to know what transpired at My Lai (4) on the 16th of March, as the basis for the investigative process. Is that responsive to your question?

A. It's very definitely responsive. I certainly hope that through this investigation you will be able to strengthen the integrity of the Army. In that light, I certainly hope that something I said here helped.

Q. I hope so too. It is not our problem to convict people or to isolate individuals. Our problem is to report on the facts and circumstances of the investigation. You may be assured that, in the process, we are going to uncover information which may lead to improvements within the system providing training, directing, handling, and reporting of such instances, and we certainly will have comments related to that.

A. I think it is very good.

IO: We appreciate very much your coming in today, Mr. ROBERTS. We recognize that you have had certain restraints in your discussion, but we feel that to a degree you can feel that you've been open and tried to answer the questions that we have put forth.

This hearing will recess until 5 minutes after 4:00.

(The aerial photograph annotated by MR ROBERTS was received and entered into evidence as Exhibit P-174.)

(The hearing recessed at 1558 hours, 17 December 1969.)

## SUMMARY OF TESTIMONY

WITNESS: ROSADO-DELGADO, Pablo MSG

DATE OF TESTIMONY: 5 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Personnel Staff NCO,  
S1 Section, 11th Brigade.

1. KNOWLEDGE OF THE 16 MARCH OPERATION.

ROSADO-DELGADO recalled the 16 March operation, but he did not remember any discussion about a body count (pg.7). Sergeant KIRPATRICK did not tell the witness he had heard of a confrontation between a helicopter pilot and a ground commander during the operation (pg. 8). The witness knew nothing about a charge of indiscriminate firing (pg. 9).

2. INFORMATION CONCERNING AN INVESTIGATION.

The witness never kept any files for Colonel HENDERSON other than those for awards and decorations (pgs. 3, 4). Since ROSADO-DELGADO's files were strictly for personnel actions, he had nothing in them relating to investigations (pg. 4). The witness had never before seen a copy of HENDERSON's 24 April report (Exhibit R-5) or its inclosures (pg. 5). Nor had he seen Captain RODRIGUEZ's statement (Exhibit M-30) (pg. 6). He did not even know who RODRIGUEZ was (pg. 6). He heard no rumors at headquarters concerning an investigation Colonel HENDERSON was conducting for General KOSTER (pgs. 6, 9). He did not know HENDERSON had been directed to make one (pg. 10). He did not know that HENDERSON was investigating an incident in which a captain shot a woman (pg. 7). He did not recall a request from Sergeant Major GERBERDING to assist in the preparation of papers being sent to KOSTER (pg. 10). The first time he heard about the My Lai incident was when he read about it in the newspapers (pg. 6).

(ROSADO-DELGADO)

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## 3. OTHER INFORMATION.

Colonel HENDERSON did not have anyone assigned to him as a steno or clerk (pg. 13). Everyone got along well with Colonel HENDERSON whom the witness considered "a leader in every respect" (pgs. 14, 15). The witness thought the 11th Brigade was a great outfit (pg. 17).



(The hearing reconvened at 1713 hours, 5 February 1970.)

MR MACCRATE: The hearing will come to order.

RCDR: The following named persons are present: MR MACCRATE, COL ARMSTRONG, and MAJ COOP.

The next witness is Master Sergeant Pablo ROSADO-DELGADO.

(MSG ROSADO-DELGADO was called as a witness, was sworn, and testified as follows:)

RCDR: Will you state your full name, grade, Social Security number, branch of service, organization, and station?

A. First name Pablo, last name ROSADO-DELGADO. Grade, Master Sergeant, Social Security number . . . , Headquarters, US Army, Hawaii.

COL ARMSTRONG: Sergeant DELGADO, will you be certain that during your testimony you speak loudly enough so that our recorder can get it down?

A. Yes, sir.

Q. Have you read the preliminary instructions (Exhibit M-81)?

A. Yes, sir, I have.

Q. Do you understand them?

A. Perfectly well, sir.

Q. Do you have any questions?

A. No, sir.

Q. Will you state please what your position was in the 11th Brigade, when you joined them, when you left, and basically what your duties were?

A. Yes, sir. I joined the 11th Brigade on 17 August 1967, I believe it was. This was when the brigade was activated in Schofield Barracks and I stayed with the brigade when they deployed to Vietnam. I was a member of the advance planning group and as such we were the first group to leave Schofield Barracks en route to Vietnam. I left on 25 November 1967 and we got to Vietnam, of course, the same month. When I left Vietnam in November of 1968, my duties in the 11th Brigade, ever since I was assigned there, was in the S1 section as the personnel staff NCO. There was a difference between the duties in garrison and the duties in combat. The duties in garrison mostly were administrative, routine administrative or whatever it was. When we got to combat however, they took our AG section on up to division headquarters and we got saddled up with AG duties sort of, so to speak. So, my duties in Vietnam actually were dealing with casualty reporting, awards and decorations. We had a reproduction section. We had strength accounting and we also ran a message center. In addition to that, we had other additional duties, like running the library and running a sundry store, more or less you'd call it. Kind of a PX we had. That's about it.

Q. Let's consider now the period of last fall, September and October 1969. Have you discussed this since the news broke about the My Lai incident? Have you discussed this incident with any former member in the brigade or the division?

A. No, sir, I have not.

Q. You had no contact with anybody in the brigade with whom you discussed this?

A. I have not, sir.

Q. Mr. MACCRATE is a civilian attorney who has volunteered to assist the Secretary of the Army in conducting this investigation. I have been designated by the Office of Chief of Staff to assist General PEERS. There are other groups like this taking testimony also, but General PEERS will be the one to weigh the evidence, come to the conclusions and make recommendations. Mr. MACCRATE will probably conduct most of the questioning, although you may get questions from me too.

A. Yes, sir.

MR MACCRATE: Sergeant ROSADO, we have heard you referred to by various members of the brigade as someone who was with the brigade for this period of time and was very knowledgeable as to the conduct of the business at the headquarters of the brigade. It is for that reason we are interested in speaking to you about some of the handling of administrative matters around headquarters. It has been suggested to us that from time to time you would personally assist the commanding officer in some of his requirements. Is this true, that for some of the stenographic requirements or assistance with some of the paper work that the commanding officer has to take care of, he would turn to you for help?

A. Yes, sir, on many occasions.

Q. Did you personally take dictation from him? What would be your personal role in helping him out in this way?

A. I didn't take dictation from him. As a matter of fact, I didn't take any sort of dictation but I did help him out on personal matters. When he was writing awards for somebody within the command or a report, efficiency reports for officers, I used to write those for him personally. No one else ever touched them. That was just about what I did for him. Of course, this is quite a job because this happened quite often. Other personal things, you know, things a commander would want someone he could trust do, I did that for him personally.

Q. We have gotten this impression, that this was the observation of others, that the commanding officer did turn to you for things of this kind. With respect to Colonel HENDERSON's files in particular, did you or your section in any way assist in the making of the files for him?

A. No, sir, I think that I can state very clearly that the files we had were strictly out of the S1 section. I never kept any files for him other than awards and decorations that I did write or I knew we were involved with. We had the files but personal, personal outside of the military, unofficial files, no, sir.

Q. Do you recall where he kept his files as the commanding officer, the official papers that he had to prepare?

I realize that a commander of the brigade in the field is not engaged in creating paper but he does occasionally have memorandum that he sends out. He may direct something to the commanding general of the division or he may receive communications from the commanding general. Where would papers of that sort, given the administrative setup of the 11th Brigade during the time that Colonel HENDERSON was in command, come to rest?

A. Well, I can honestly say that some of those papers were awards and decorations, letters of appreciation, things like that; they pretty much remained in my section.

Q. If they were related to investigations, for example, where would they go?

A. Well, I didn't have anything like that in my files. My hands were strictly for personnel actions, so to speak.

Q. Did you from time to time lend a hand to Sergeant GERBERDING in preparation of material? Would you get some typing down in your office because you had, perhaps, a larger staff than they had in the S2?

A. Well, I did have a larger staff. My policy was to help out others within the staff if I could but I couldn't pinpoint specific instances which I helped them out. I did help them out, though, and this went to the S3 and the S2 and the S4 as well, because this was the way we operated. Whenever their clerks were out for some reason I just chipped in and helped out with the typing.

Q. Sergeant DELGADO, we are interested in putting together some of the background as to the preparation of a document. I have here Exhibit R-5 and it has been suggested that some of these papers, referring to these five sheets, may have been typed in the S1 shop at the brigade. It is even possible that you may have personal knowledge of the typing. I show you R-5 and ask you to look at the first two sheets and ask you if you ever recall seeing that document? Just the first two pages.

A. No, sir.

Q. Have you ever seen that document?

A. I have never seen this before.

Q. Now, I would have you look at the next two sheets which are English translations of some VC propaganda and ask you if you ever recall seeing that document?

A. That is this one?

Q. Yes. I think you'll find on that first page the kind of thing that you may have heard quite a bit of coming from the Viet Cong. If you go to the top of the second page, particularly in the second paragraph--

A. (Interposing) The operation?

Q. Yes, you'll see that there is a specific allegation made. Do you ever recall seeing these two pages before?

A. No, sir, I can't honestly say that I have seen them.

Q. Now, I would like you to turn to the last sheet, a statement of 14 April 1968 and ask you if you ever recall seeing that sheet of paper or a similar sheet of paper before?

A. I don't have to read any further, sir. No, sir, I don't have any knowledge of this particular document.

Q. You don't remember seeing it before?

A. No, sir.

Q. I now show you Exhibit M-30, Sergeant DELGADO, and ask you if you ever recall seeing this document before? You will note that it is signed by Angel RODRIGUEZ, Captain, assistant district advisor, Son Tinh District. The top copy is somewhat difficult to read, but there is a true copy attached which is more legible.

A. No, sir.

Q. Did you ever meet Captain RODRIGUEZ?

A. No, sir, I don't even know who he is. I do know a Captain RODRIGUEZ but I don't think this is the same man. It wasn't in Vietnam, no. It was back at Schofield Barracks.

Q. You will note that this is the same statement as the last, the inclosure to the report of investigation. This is a signed copy and you don't recall seeing it in either form?

A. No, sir, I can honestly say that I haven't.

Q. Do you have any recollection of hearing discussions at the headquarters in April 1968 regarding such an investigation that Colonel HENDERSON was conducting and the fact that various papers were being gathered to be submitted to the commanding general of the Americal Division?

A. As a matter of fact, to be perfectly honest with you, I never heard of this My Lai incident until I read this in the papers.

Q. But you'll note in here there is no reference to a My Lai incident. The reference actually is to things that have occurred at Tu Cung and Co Luy which are quite different names. Actually, Tu Cung is a hamlet of the village of Son My which is an area designated on the military maps as My Lai (4). All of the VC propoganda and statements refer to these hamlets by the names they are known by among the Vietnamese. Do you have any recollection of hearing such things discussed in the spring of 1968?

A. Let me ask something? This was operation Muscatine, Task Force Barker so to speak?

Q. Right.

A. What I heard was strictly because I did have many awards that resulted from Task Force Barker. These names, they ring a bell in my mind because these were the names used in various locations, but as far as something like this, I have never seen anything like that.

Q. Do you ever remember hearing that in connection with the operation in the Muscatine AO after one operation

Colonel HENDERSON was asked to investigate charges in respect to a captain who was accused of shooting a woman?

A. I can't honestly say. I probably have. Now, all NCO's get together and people talk, but I can't pinpoint specific incidents or conversations.

Q. Do you recall that this particular operation of Task Force Barker on 16 March 1968 was, by report, the most significant engagement the 11th Brigade had since it arrived in country?

A. Yes, sir, and as a result, I became involved as far as awards and decorations, because we processed quite a bit, plus the casualty report. This is one of the times I had to increase my casualty branch and we had an individual working on a 24-hour basis.

Q. Do you remember in connection with this particular operation that the casualty figures reported were actually 128 VC KIA, 2 U.S. KIA, 11 U.S. wounded and 3 weapons captured? Do you remember any discussion of those figures around the brigade at that time?

A. Well, the U.S. casualties were the ones that we were involved with.

Q. I understand that. You were talking about what you were discussing with the other NCO's when you met over a glass of beer with a few leisure hours that you could find and had a chance to get together. Do you remember any discussion of these figures and the shortage of weapons that had been picked up on the operation? Any discussion of that sort and what had gone on at that time?

A. I can't actually pinpoint any specific conversation. Honestly, I can't say I have, but by the same token I can't say I haven't, because we did talk just about everything.

Q. Do you remember the report, perhaps, from Sergeant KIRKPATRICK who was in the TOC at that time? Sergeant Major KIRKPATRICK. Do you recall him and how they monitored in the TOC the conversation or the remarks of a helicopter pilot in

the course of the operation? He was talking with one of the officers on the ground and threatening to turn the guns of the helicopter on the U.S. forces if they didn't stop indiscriminate firing? Do you remember anything like that?

A. No, sir. My office was too far from the TOC.

Q. I realize you couldn't have heard it when it came over the air but at the same time it is a kind of unusual communication. When the men left the TOC, or when Sergeant KIRKPATRICK left the TOC, it would be quite natural for him, when you saw him that evening, to give you a briefing on what he had been doing during the day and the calls that had been made or messages that came in. You have no recollection of hearing any such thing discussed?

A. No, sir, because we didn't actually have a meeting of the things that took place during the day. We very seldom got together as a matter of fact and when we did we talked about other things rather than duty. It wasn't a requirement for us to get together. We did get together however, like you said leisure time more or less.

Q. You don't remember something being said about these aero-scouts: "What are they going to be up to next, getting into this kind of a situation with the ground forces?" Or, "They are threatening to turn their guns on us." You don't remember that ever being discussed?

A. No, sir, I can't say that I do remember it. It rings a bell. Like I say, I can't pinpoint it.

Q. Do you think you did hear something along those lines sometime?

A. Yes, it's possible. Yes, sir.

Q. Do you remember that as a result of these charges Colonel HENDERSON for a couple of days was pretty much occupied in talking to people and getting a little report together? He may have even asked you to type it? Major MCKNIGHT and Colonel LUPER may have worked on just a short report setting out for the commanding general that he had looked into the situation and he satisfied himself that there was absolutely

no merit to the allegations that there had been indiscriminate firing or that the captain had fired on a woman? Do you remember preparing any such report for Colonel HENDERSON's signature alone about the end of March or early in April 1968?

A. No, sir, I can't say that I do.

Q. Do you remember Major MCKNIGHT coming to you and asking you to type up such a paper and then taking it to Colonel HENDERSON?

A. I can't imagine why, because Major MCKNIGHT had his own clerks and he had his own sergeant. He had three of them as a matter of fact. Both of them were very capable and typed just as well as I did. I just--

Q. (Interposing) But on the other hand, certain things were treated in confidence. The commanding officer was quite accustomed to turning to you for things that he wanted on a close-hold basis. If you are investigating something and you don't want rumors going about headquarters, naturally you turn to someone you feel you could rely on to do the job for you. In that context it would be quite reasonable to turn to someone with whom he had a continuing relation of entrusting confidential material.

A. Yes, sir, I understand perfectly well what you mean but I just can't recall anything like this ever coming across my desk. I did work for the colonel and I did many things for him. Like you said, I relayed specific incidents such as efficiency reports. I did them all.

Q. Do you remember anything like this written out in longhand by him and you sitting and typing it on a typewriter? It is our information that both the report of investigation of 24 April which you have seen and possibly this earlier report at the end of March or early in April were both written out in Colonel HENDERSON's hand and then typed for him. You have no recollection of typing either one of those for him?

A. No, sir, I don't. I just can't recall, sir. I know that personally I didn't type them, but if I did get my hands on the paper and have somebody else type it, I would have had knowledge of it, and I don't recall.

Q. Do you recall Sergeant GERBERDING asking you to assist in the preparation of papers and then one or the other being placed in double envelopes and dispatched to the commanding general of the Americal Division with an "eyes only" notation on the envelope? Does that begin to ring a bell?

A. I can't remember, sir, but as far as taking the document up to Americal, I did have a man, well, actually he was an officer. He worked in conjunction with the S1 section. We used to call him a courier. Classified information, for instance, I made sure everything was stamped properly and sealed properly, things like that, before I put them in the envelope and gave them to the man, but I can't honestly say I did something like that for him. Sergeant GERBERDING was the man. He operated pretty much on his own. He was a good man. Very seldom did I give him help, but I did give him help sometimes in typing when he got overloaded, because there was quite a bit of paper work in the S2 section.

Q. He was also complimentary to you. We talked to Sergeant GERBERDING and we also have talked to Sergeant CAMELL who followed him. We understand that there was this hand that was lent. Also when something was important and it was being handled on a close-hold basis that there was sometimes an assistance among the senior NCO's in this way in the handling. It has been suggested that you had helped out in the transmission of one or another of these or in the preparation of one or a number of these papers.

A. I can't recall, sir. I can't honestly say that I did because nothing brings to mind that I have. When I read those documents, that is the first time that I ever laid eyes on those papers.

Q. Do you ever recall seeing a directive from General KOSTER, the commanding general of the Americal Division, to Colonel HENDERSON directing him to make an investigation with respect to a complaint received from a Vietnamese authority?

A. No, sir. I don't remember.

Q. There might have been attached to this when it was received a letter from the district chief of Son Tinh District to the province chief of Quang Ngai Province, possibly with an

indication of indorsement or request from the commanding general of the 2d ARVN Division. Does any of this ring a bell as something that came through your hands or that you helped Colonel HENDERSON with?

A. No, sir, I can't say. I just don't remember.

Q. Well, I think with something of that sort if you would have seen it, you would have remembered it, wouldn't you?

A. Yes, sir, most certainly.

Q. You didn't get a request from the commanding general of division every day?

A. Most of my stuff, you know, was strictly unclassified or of a personnel nature. Nothing in the S1 section as such was classified as a report.

Q. Well, investigations were something that naturally would fall within the S1 responsibility?

A. Well, yes, sir. That was within the S1 but I can't actually remember seeing this document or even doing something or working with the document. This operation is in intelligence and pretty much kept to intelligence, either the S2 or S3.

COL ARMSTRONG: Who was the S1 when you got over to Vietnam?

A. During the time that I was in Vietnam the S1 was Major CALHOUN. He was the S1 and then he got transferred, I believe it was in February or March I think, and Major DANKIS took over.

Q. Major who?

A. Major DANKIS. D-A-N-K-I-S.

MR MACCRATE: Major CALHOUN went to Task Force Barker?

A. Yes, sir, and then Major DANKIS took over the S1 shop.

COL ARMSTRONG: What position did Colonel BARKER have in the headquarters before he was task force commander?

A. He was the executive officer.

Q. Then when he went up to take over as task force commander. You only have then the commanding general and Colonel HENDERSON as the brigade commander, right?

A. General LIPSCOMB I believe was then the commander and Colonel HENDERSON the XO. Colonel BARKER was the S3 and when General LIPSCOMB left Colonel HENDERSON took over command and Colonel BARKER was moved up to the S1 position.

Q. Colonel BARKER was commanding officer of Task Force Barker?

A. Yes, sir, and then he was removed. Before that, he was commander of Task Force Barker, I believe. LUPER came in.

Q. I understand that when Task Force Barker was dissolved Colonel BARKER came back to the brigade to be executive officer and went out shortly thereafter and became the battalion commander.

A. Yes, sir. He came back, then he went to battalion. Of course, he got killed.

Q. Where was your office location compared to the command group's offices?

A. My office was the last one in the row. The S3 was directly in front of Colonel Henderson's office and the S2 was directly in front of the XO's office.

Q. How far away from your office?

A. About 75 feet.

Q. Pretty close?

A. Pretty much so, 75 or 100 feet probably.

MR MACCRATE: Who was in Colonel HENDERSON's office? Did anyone have a desk with him in his office or was this his working area and living space together?

A. Well, where he had his office it was just by itself. No one else. His living area was right in the back, in a trailer.

Q. When he wanted someone to type something for him?

A. He would call someone on the phone to go to his office.

Q. Did he call them up from the other shops? Out of the S1 or S3 or what?

A. Well, like I said, he would call on the S1 many times.

Q. But he didn't have anyone that was assigned to him as a steno or clerk?

A. No, sir. The general did though when he was in command. The general had a secretary.

Q. Yes, General LIPSCOMB did when he was in command. He left, however, on 15 March as you recall.

COL ARMSTRONG: Where was the sergeant major located?

A. The sergeant major worked at the top of the TOC. The TOC was down two steps from him. Sergeant Major KIRKPATRICK and another sergeant sat there together.

Q. Where was the office of the sergeant major?

A. That was in the same place. Sir, they had his living quarters and the office together.

Q. Did they have any typing capability?

A. No, sir, the S3 sergeant, who was Sergeant Major KIRKPATRICK had the same quarters as Sergeant Major WALSH. They would commute back and forth from there. It was right on

top and right next to the TOC. There was a guy, FELIX, who used to do most of the typing for both sergeants major.

MR MACCRATE: Yes, he happens to be in bed with the flu today. What is the appearance of FELIX? Does he have black, wavy hair?

A. Yes, sir, I believe so.

Q. Does he wear glasses?

A. If he did I never saw him with glasses that I can remember, but I do remember him. He was a pretty good man too.

COL ARMSTRONG: How did Sergeant Major WALSH get along with Sergeant Major KIRKPATRICK?

A. I think they got along fine. Pretty well.

Q. With Colonel HENDERSON?

A. I think everybody got along with Colonel HENDERSON.

Q. What about with Sergeant Major WALSH? Did everybody get along with Sergeant Major WALSH all right?

A. Yes, sir. I can't say otherwise.

Q. Sergeant JOHNSON went up with BARKER, that's the operations sergeant; then he came back. He replaced Sergeant Major KIRKPATRICK who went to one of the battalions?

A. Yes, sir.

Q. Do you recall this.

A. Yes, sir, I recall this.

Q. When Sergeant Major JOHNSON got back did he have any war stories to tell about Task Force Barker?

A. We didn't actually speak about war, duties as such, because we didn't get together that often. There wasn't that much time for that anyway.

Q. Well, he had been the hero. Particularly the headquarters group NCO at task force taking an executive officer of brigade headquarters, taking the S1, taking the sergeant major or the assistant operations sergeant and going out and winning the war for the brigade. When he came back, he didn't lord it over you other NCO's?

A. Well, it is possible that he might have mentioned something about the operations that took place up at Task Force Barker, but if he did I can't remember specifically him saying anything about that.

Q. Do you remember the change of command ceremony when Colonel HENDERSON took over from General LIPSCOMB?

A. Yes, sir.

Q. Do you remember the next day right after that? They had a big operation up there in the north of Task Force Barker?

A. It's possible.

Q. Did Sergeant Major WALSH come back and tell you how the new CO was really operating?

A. It's possible, sir. He might have mentioned something like that.

Q. I know you had all been together. Colonel HENDERSON and all of your NCO's had been together in Hawaii for a long time. This is the first time you had a chance to look at him as a brigade commander. Everyone of you would do so and as NCO's would do, they would weigh their colonel. You know this and I know this and he would be subject of discussion. Everyone of you would latch on to Sergeant Major WALSH and say, "How did the colonel do?" Isn't that right?

A. Well, I don't think so, sir. If you'll excuse me. To me, Colonel HENDERSON was a leader in every respect and I never questioned anything about his operations or anything like that. As far as being together in Hawaii, yes, we were. We were a pretty close group as a matter of fact. Colonel HENDERSON was the brigade commander previously and on one or two occasions.

Q. During the shooting?

A. No.

Q. You are talking about the training period?

A. During the training period, yes, sir. During the shooting, well--

Q. (Interposing) He held down Duc Pho while the general went out and ran the brigade?

A. Yes, sir.

Q. This was the first chance for you NCO's to measure that colonel under fire.

A. That's right.

Q. You had the fountain of wisdom in the sergeant major sitting right there watching every second. Would he not have come back that night and told you detail by detail what took place?

A. It is possible that he may have mentioned it--something.

Q. Do you recall him doing so?

A. I can't recall specific instances. The sergeant major, like a good sergeant major, used to try to tell us what was going on.

Q. A good sergeant major keeps his sergeants up on what is going on?

A. But a report like this, it's pretty hard to say because there were so many things. It's been so long. It's been a long time ago.

MR MACCRATE: Sergeant DELGADO, we appreciate your coming in. If anything we have said and shown to you brings back any recollection regarding these investigations and reports following the operation in 1968, we would appreciate if you would bring

that information to our attention. Do you have any photographs, other documents from this time relating to the operation of Task Force Barker and brigade?

A. No, sir, I don't have anything like that.

Q. Would you like at this time to make any statement, ask us any questions, make any statements for the record?

A. Well, I would like to state clearly that if something comes up, if I do recall anything at all, I'm quite sure I'll spit it out.

MR MACCRATE: Well, Major COOP will tell you where you can get in touch with us if something does come up from talking with us today.

A. Excuse me. The only thing I know about the 11th Brigade is really what a great outfit it was. I didn't hear anything derogatory until I read all these reports in the paper, and that's the honest truth. The fact is, it surprised me as well as anybody that was in the brigade because I have learned more from the papers and newsmen, you know, than while I was there.

COL ARMSTRONG: We appreciate the idea because we understand how this can come out of the clear blue sky. If you remember anything we would appreciate your getting in contact with this group. I'm directing you and reminding you of these instructions, that you are not to discuss this or anything we said here today with anyone, particularly any other personnel that might be called as witnesses. This however does not hold for official investigating bodies, CID people, government congressional subcommittees, this sort of thing. Of course, you can repeat any testimony to them, but to individuals, no. Do you understand them?

A. Very well, sir.

COL ARMSTRONG: Thank you very much. We'll recess at this time.

(The hearing recessed at 1805 hours, 5 February 1970.)

## SUMMARY OF TESTIMONY

WITNESS: SCHLEICHER, Richard G. MAJ

DATE OF TESTIMONY: 21 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant S2, 11th Brigade.

1. BACKGROUND INFORMATION.

The witness joined the 11th Brigade on 7 October 1967 and left on 2 December 1968 (pgs. 12, 13). On 16 March 1968 he was the S2 air, working under Colonel Richard BLACKLEDGE (pg. 2). His primary concern was with reconnaissance, photography, infrared, and SLAR (pg. 4). He would normally get the infrared and SLAR support through the G2 air at the Americal Division (pg. 4). The infrared would have to be specifically requested, but the SLAR was flown on a routine basis (pg. 4). The SLAR was used mostly in the mountain areas but he did not recall any specific readings from the Son My area (pg. 5). He described the setup of the brigade S2 offices as being a tent with a wooden frame in which he worked across the aisle from Colonel BLACKLEDGE (pg. 13). There was a safe in the tent and Colonel BLACKLEDGE used part of this safe (pg. 13). In addition to BLACKLEDGE and himself, Sergeant GERBERDING, Captain HOLBROOK, Specialist MCKNAT, and another specialist had access to the safe (pg. 14). There were also wooden cabinets for unclassified documents and a map cabinet (pg. 16). He did not recall having a metal file cabinet (pg. 17). He stated that there was a joint S2 and S3 journal kept in the TOC from which daily summaries were prepared (pg. 20). He stated he was frequently the night duty officer in the TOC and he would brief the colonel on activities that occurred during the night when the colonel

(SCHLEICHER)

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came in in the morning (pg. 21). This was in the form of an informal briefing at which another officer in charge of the Duc Pho perimeter would give a small lecture (pg. 21). The main formal briefing for the brigade was held at 1730 each day (pg. 21).

2. HIS KNOWLEDGE OF INCIDENTS RELATIVE TO MY LAI (4).

a. Intelligence reports bearing on the Son My area.

The witness was not positive of specific intelligence concerning the area but he felt the 48th Local Force Battalion was operating in that area at the time (pg. 3). He did not recall any reports indicating movement of 122 millimeter rockets into the Quang Ngai area nor did he recall an augmentation of the 48th Battalion by an NVA packet (pgs. 3, 4). He did not recall a report that the women in the villages would normally go to market early in the morning each day (pg. 7), and he stated that he would be surprised to hear such a report (pg. 9). If such a statement were made by Captain KOTOUC while briefing Task Force Barker, the witness felt that the information was possibly received from another intelligence office (pg. 9). The witness stated that a battalion commander could contact district advisors himself, and in the case of Task Force Barker they could go to Quang Ngai City (pg. 10). The witness would not get involved in this aside from hearing from the district (pg. 11).

b. His knowledge of activities after the operation.

The witness normally attended the briefing at Duc Pho but did not specifically recall attending on 16 March (pgs. 11, 12). He did remember a report of 128 VC killed and three weapons captured as being the highest count that they had, and recalled that there were discussions about the number of people killed by artillery (pg. 12). He did not recall specifically who said this but felt that there was talk in the brigade headquarters indicating some noncombatants had been killed (pg. 15). These discussions could have been with Sergeant GERBERDING and possibly referred to 16 March (pgs. 15, 16). He did not discuss this with Major BLACKLEDGE or anyone else (pg. 16). These figures would have been

passed to Colonel HENDERSON at the evening briefing (pg. 21). Although the witness had not seen Exhibit R-1 before he thought that he had seen a captured VC document which mentioned the village of Son My and the killing of a high number of people (pg. 17). He did not read Vietnamese and did not know what the rest of the document said (pgs. 17, 18). Documents such as this were forwarded to division and then to Saigon (pg. 18). Normally they would receive English copies of intelligence from Son Tinh District and he stated that he normally contacted a Captain WERK (pg. 18). He recognized the name GAVIN and Colonel GUINN but did not know if he had contacted them (pgs. 18, 19). He stated that the documents would be screened by 52d MI Detachment to determine whether they should be translated or not (pg. 22).

c. His knowledge of HENDERSON's report.

The witness did not recall HENDERSON using the office safe but stated that he could have done so (pg. 14). He never heard of any investigation on the operation nor did he recall Colonel HENDERSON conducting one (pg. 15). The witness stated that Colonel HENDERSON was very accurate in passing information to his headquarters (pg. 26). The witness vaguely recalled a folder "Eyes Only" but did not look in it (pg. 20).

d. Actions by the National Police.

The witness stated that he had heard of the National Police firing at people who tried to get away but that he never heard of them executing any inhabitants in a village (pg. 11). He did not hear of them using any unusual techniques on the inhabitants of the Son My area or the northern AO (pg. 11).

3. OTHER INFORMATION.

The witness stated that one of the few times he was at LZ Dottie was because he was acting as the trial counsel in the court-martial of a man who refused to leave the LZ (pg. 7). He went to speak with two sergeants who were witnesses in the case and he thought one of them was Sergeant MITCHELL (pg. 6). The witness did not remember the name of the accused nor the date the trial was held, but he felt the the individual was in C/1/20 (pg. 6).



(The hearing reconvened at 1302, 21 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, MR WALSH, LTC NOLL and MAJ THOMAS.

The first witness is Major Richard G. SCHLEICHER.

(MAJ SCHLEICHER was called as a witness, was sworn and testified as follows:)

Please state your full name, grade, and Social Security number.

WIT: Richard G. SCHLEICHER, 05511993, Social Security number .

RCDR: State your branch of service, organization and duty station.

WIT: Military Intelligence, US MIL Group Colombia, Bogota, Colombia.

COL WILSON: Before we start, I would like to inform you of several matters.

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purposes of determining certain facts and making findings and recommendations concerning two matters: (1) the adequacy of prior investigations into and subsequent reviews and reports of what is known as the My Lai (4) incident of 16 March 1968, and

(2) the possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning this, in other words, whether there was any coverup of what happened there that day.

This investigation is not being conducted to look into all the facts and circumstances of what happened at My Lai. For example, we are not concerned with the possible individual guilt of any person for something he might have done wrong that day.

We have had made available to us and have reviewed prior statements obtained in other investigations of the My Lai incident.

Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes being taken by the reporter.

The general classification of our report will be confidential, but it's possible that your testimony or parts of it may later become a matter of public knowledge.

There are several people in the room who are authorized to ask you questions. On my right is Mr. WALSH. Mr. WALSH is a civilian attorney who has volunteered his services to the Secretary of the Army to assist General PEERS in his investigation. On my left is Colonel NOLL, he is also a member of this board.

This is interview team C. General PEERS has designated this team to assist him in interviewing witnesses. However, this team has no authority in making findings and recommendations to the Secretary of the Army. This is strictly the authority and responsibility of General PEERS, the investigating officer. General PEERS may come up at any time or other members of the board may come up at any time during your interview. Do you have any questions?

WIT: No, sir.

Q. What was your assignment on 16 March 1968?

A. I was the S2 air, the assistant S2 in the 11th Brigade.

Q. S2 air. Who was the S2?

A. Colonel BLACKLEDGE, Richard BLACKLEDGE.

Q. Do you have any knowledge of the intelligence which may have resulted in the operations of 16 thru 18, 19 March of 1968?

A. It was almost 2 years ago and there were continuing reports coming in. Specifically, I am not positive I was aware of any specific intelligence at that time. I know from experience there that the 48th Battalion operated in that area. Whether we had anything definite on the 48th I don't know.

Q. Do you recall the incident that we have reference to?

A. Yes.

Q. Task Force Barker?

A. Yes.

Q. For the period we are referring, do you recall this?

A. Yes, sir.

Q. You don't remember anything specific other than normal intelligence reports which indicated that the 48th was operating in this area?

A. That is right, sir.

Q. There was an indication that it was possible that there was a movement of 122 millimeter rockets into the Quang Ngai area.

A. What was that?

Q. 122 millimeter, 122 rockets into the Quang Ngai area during this period. Does this trigger anything in your mind?

A. No, sir. In fact, I would be surprised if that would be the case.

Q. There was also an indication that the 48th Local Force Battalion had been augmented by an NVA packet. Was this a common procedure? Did this happen very often? Does that trigger anything in your mind?

A. No, sir. To the best of my knowledge, I know of no augmentation of the 48th Battalion. In my position as S2 air, I was primarily concerned with reconnaissance, photography, infrared, SLAR. It may have been part of an intelligence report which the S2 was familiar with. However, I do not recall myself.

Q. Did you see the various reports that came into the headquarters from MACV, and Field Force?

A. Not all of the reports. I saw as many as I had time for, yes, sir.

Q. In your collection efforts in the field of aerial reconnaissance, did you have any indication that there was a build-up in the Son My Village area during this period of February or early March, 1968?

A. I do not recall a build-up in that particular time frame. However, the fact that they did go into that village would indicate to me there was some report available which indicated the 48th Battalion may be there. It is my recollection they did have contact with the 48th Battalion closer to Tet and there was considerable action. In fact, one of our units was in real danger and they pulled them out. I believe this was a follow up action to that, that they wanted to get that 48th Battalion. The indications were that they were in that village or nearby.

Q. How would you normally get your infrared and SLAR support? Did you request this?

A. Yes. I would request it through the G2 air at the Americal Division.

Q. Did it take any particular operation program to get this support or was it something that was done on a routine basis?

A. The SLAR was flown if aircraft were available just about every night without any request. The infrared, you would have to specifically request areas you want to cover.

Q. Did the results produced by this collection indicate anything, any build-up?

A. In the case of Son My infrared would not be that valuable. There are people in that area all of the time with camp fires and this type of thing. So there would normally be camp fires showing up on that infrared. I don't believe there was any result from the infrared which would have triggered this operation.

Q. How about SLAR?

A. SLAR also. SLAR was used mostly in the mountain area.

Q. You didn't use it along the coast?

A. It was flown along the coast out into the area, but there were no significant readings in the Son My area. I don't know how familiar you are with SLAR, but you have to have considerable movement and a fairly good speed to pick-up anything, anyway. A few troops would not show up on a slide.

Q. How far ahead did you know this operation was going to be conducted?

A. I'm not positive, sir. It would probably be at least 1 day, possibly 2 days that we would have heard about it.

Q. Did you go back to LZ Dottie during, after, or before this operation?

A. I was at Dottie, but I don't recall the exact date.

Q. What was the purpose of being there?

A. Well, I was there on several instances.

Q. I mean during this time frame.

A. One time I was there, I was a part of a court-martial and I went to interview two sergeants who were

manning the bridges on Highway 1 in this court-martial case. I went to Dottie and I went south, to the south bridge, and talked to a sergeant there, and I don't recall his name, and then I went to the north bridge and met another sergeant. I believe it was MITCHELL, but I'm not positive. They were both Negro. Then I returned to Dottie. On another occasion I came in, I believe, with Colonel HENDERSON, when he would go out daily to the fire bases and I happened to be with him. I stopped and talked to the people at the TOC at LZ Dottie.

Q. What was the charge in the court-martial case?

A. We had many court-martial cases and in this case, I am pretty sure this individual refused to get off of the LZ and go into combat.

Q. There was not a criminal case then, was it?

A. No, sir.

Q. What makes you think this was MITCHELL?

A. Well, that is the name that I recall.

Q. Was this C/1/20 that the individual was in, that he refused to leave the LZ?

A. I am quite sure it was the 1/20 and it must have been C Company.

Q. Do you remember when this was?

A. No, sir, I don't recall the date.

Q. Do you remember who the individual was who was being charged and who you were investigating?

A. I don't know right now. The main reason is that there were many court-martials that I became involved in during my tour there.

Q. What was the purpose of your investigation? Were you investigating as a defense or trial counsel or conducting a preliminary investigation for a commander?

- A. I was on the prosecution.
- Q. You were a member of the trial counsel?
- A. Yes.
- Q. Were you the trial counsel?
- A. I was the trial counsel.
- Q. Did it come to trial?
- A. Yes, sir.
- Q. Did you know the reason why this man refused to get off of the LZ?
- A. I don't recall specifically. All this trial is part of record and I am sure you can get the record, the entire record of the case.
- Q. You don't remember it though?
- A. No.
- Q. The reason for his not wanting to leave the LZ?
- A. I don't sir.
- Q. Do you remember a report or any sort of an intelligence document or statement by any intelligence personnel in that area or in Task Force Barker or the 11th Brigade that indicated that the women in these villages, in the My Lai (4) or Son My area would normally go to market to do their purchasing in the early morning of each day?
- A. No, sir.
- Q. You don't remember anything like that?
- A. No, sir.
- Q. Did you know Captain KOTOUC?

A. Yes, sir, that name rings a bell.

Q. Do you recall what his job was?

A. No, sir.

Q. Were you exposed to any of the briefings concerning this operation?

A. I was exposed on just about a daily basis to the nightly briefing, the 1730 briefing that we had. I feel fairly sure that I probably heard that briefing. I can't be positively sure that I was there, but normally I was there.

Q. The briefing before the operation?

A. It was everyday. We had the briefing right next door to where I worked and whenever possible I tried to attend it. I don't remember the specific briefing, but they briefed every day on every operation.

Q. Did you see much of Colonel HENDERSON?

A. Yes.

Q. Do you remember the day he took command of the brigade?

A. Yes.

Q. Do you remember the day that he picked up two or three suspects in this helicopter?

A. No, sir, I don't remember.

Q. Did you ever hear General LIPSCOMB complain about the companies of Task Force Barker not closing with the enemy?

A. No, sir.

Q. When Colonel HENDERSON was the executive officer, did he have a chance to get out and observe operations very much?

A. I believe so, sir. I know when he was the commander he was out almost every day.

Q. I mean when he was the XO.

A. When he was the XO?

Q. Was he tied down with administration or was he out?

A. I believe he was out with General LIPSCOMB.

Q. What if you heard the statement that it was reasonably certain that people of a given area out there in the Son My Village, the women, would be out of the villages at 0730 in the morning, would you pay attention to that?

A. No, sir, I would be real surprised to hear it.

Q. You as an intelligence officer would be surprised to hear it?

A. Yes, sir.

Q. Captain KOTOUC said this is what he briefed Task Force Barker. I wonder where he got it?

A. I don't know, sir. Not from me. There are other sources besides our intelligence office.

Q. Did you ever have any contact with the district intelligence people?

A. Yes, sir.

Q. Do you know if it was normal procedure for the district to provide district police for combat operations, working with the US forces? Did you ever get involved with this?

A. I know it was done, yes, sir. Not in every case but they were available and used on a number of operations.

Q. Who usually coordinated these things?

A. Quite frequently the battalion. For instance, in the Duc Pho area, the battalion there would contact the district advisor and they would work it out.

Q. The battalion commander has the authority to request?

A. Yes, sir.

Q. Up in Task Force Barker area, he could go to--

A. (Interposing) He could go north, just over his area. I am not positive of the name of the city, but he would go there or Quang Ngai City himself.

(Witness indicates a location on Exhibit MAP-4.)

Q. In other words, the company commander could go do it?

A. It would usually be the battalion.

Q. I mean the battalion commander.

A. Of course, it could depend on the area. If it was Son Tinh I believe he would go down to Quang Ngai city.

Q. Or the village of Son Tinh. He could get the district police by direct contact?

A. This is my understanding the way it worked.

Q. You didn't get involved in this?

A. No.

Q. You didn't know when they went out?

A. Generally, I would hear from the district.

Q. Was this in a formal way or just discussions?

A. We were broken down. We had a northern AO and a southern AO, and if the southern AO would affect Duc Pho

I would more than likely hear about it, because Duc Pho was just outside the area. We would get involved and hear about it. The northern AO area we may or may not hear about it.

Q. Did you ever hear of any district or National Police or any organization going out into these areas and shooting, executing inhabitants of these villages? Did reports of such as this come back?

A. I heard of them shooting. No, not as far as executing.

Q. What do you mean shooting?

A. If anybody tried to get away they would shoot.

Q. I mean execution. Kneel down and shoot them in the back of the head?

A. No.

Q. Never heard of a report of this sort?

A. No, sir.

Q. Did you ever hear of any unusual techniques being used by the National Police, the field police or the interrogators on inhabitants of the Son My area?

A. Of the inhabitants of the Son My area, no, sir.

Q. Or the northern AO?

A. No, sir.

MR WALSH: Do you remember attending a briefing on the evening of 16 March with respect to Task Force Barker's operations in the Son My Village area?

A. Not specifically, sir.

Q. Did you customarily attend the briefings at Duc Pho?

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A. Yes, sir. As I say, there were operations every day and I cannot specifically remember that briefing.

Q. Do you remember anything about this operation conducted on the 16th, 17th, 18th by Task Force Barker in the Son My Village area?

A. As far as technique of going in or this again, no, sir. The operation does not stand out anymore than any other operation, remembering any briefing or anything like this.

Q. Do you recall that the unit reported 128 VC killed and 3 weapons captured?

A. I remember the figure was high up until that time. I think that was the highest count we had any one day. The exact figure I have seen in the press but I don't remember what I remembered.

Q. Do you remember if there was any discussion around the headquarters about these numbers? The discrepancies between 128 dead VC and 3 weapons?

A. Well, I do remember hearing that there had been quite a few kills by artillery that morning when they prepped the LZ. I believe there were some comments about the few weapons when compared with the number of people killed.

Q. Do you remember who made those comments?

A. I can't be positive. Sergeant GERBERDING, our S2 sergeant, one that kept all of the daily intelligence summaries the whole time I was there.

Q. Do you know where he is located now?

A. The last that I knew he had orders for Fort Polk, but I left before he did.

Q. What date did you leave the 11th Brigade?

A. I left 2 December 1968.

- Q. What date did you join the 11th Brigade?
- A. I joined the 11th Brigade on 7 October 1967.
- Q. Did you work in the S2 office at brigade headquarters?
- A. Yes, sir.
- Q. Was this a separate office from the S3?
- A. Yes, sir.
- Q. Did you have a separate office or did you work together with BLACKLEDGE in a single room?
- A. It was one tent with a wooden frame. I worked right across the aisle from where he worked.
- Q. Did you have a safe?
- A. Yes, I did.
- Q. In your office?
- A. Yes.
- Q. Did you have a file cabinet? How were papers related to S2 work kept?
- A. Well, just about everything we had was classified and we had one big, four-drawer safe; or did we have two? I had my own little field safe.
- Q. Did Colonel BLACKLEDGE have his own small safe?
- A. No, he used part of the big safe.
- Q. What would the entry "Security classification system file," on a file folder mean to you?
- A. Could you repeat that again?
- Q. The words are "Security classification system file."

A. I think that was the broad category used to store documents. I don't know specifically what documents would be in the AG file system. Their categories are pretty broad.

Q. Did anyone have access to the safe in the S2 office other than yourself and Colonel BLACKLEDGE?

A. Sergeant GERBERDING. A Captain HOLBROOK was also there and he was there as assistant S2 when I joined and he stayed with us a considerable amount of time.

Q. Did anyone else have access to that safe?

A. We had several other people working in the office. Specialist MCKNAT, and there was another specialist, but generally Sergeant GERBERDING, myself and Colonel BLACKLEDGE had access to the safe.

Q. Do you recall if Colonel HENDERSON ever used your safe for any purposes?

A. For his own use, for his own documents? I don't recall him using it for his own documents.

Q. Do you ever recall him coming in and putting something in your safe or giving something to you or to Major BLACKLEDGE to keep in the safe for him?

A. I don't recall him doing that, but I am sure he could have very easily.

Q. Do you recall seeing documents in the safe marked in some way for Colonel HENDERSON?

A. No, I don't.

Q. Do you ever recall an investigation being conducted of any aspect of the operations of Task Force Barker?

A. I don't recall any investigation on that operation.

Q. Do you ever recall any operation being conducted with respect to any unit within Task Force Barker at anytime?

A. I don't believe so.

Q. Do you recall Colonel HENDERSON conducting any investigation during the period that you served under him?

A. I don't recall an investigation being conducted by him, although that wouldn't mean that he didn't.

Q. I understand that. I am asking you for your recollection.

A. Yes, sir.

Q. Do you recall ever hearing of any investigation being conducted with respect to Task Force Barker, by anybody?

A. No, sir.

Q. Do you ever hear any rumors or discussion of possibly a number of noncombatants being killed or injured in connection with Task Force Barker operations?

A. Only that artillery had killed some people prior to them arriving in the LZ.

Q. What did you hear about that?

A. That there was an LZ prep prior to going in and that a number of noncombatants were killed at that time. How many, I don't know.

Q. Who told you that a number of noncombatants had been killed by artillery prep?

A. I don't recall who it was specifically. It was just talk in the brigade headquarters area that there had been some noncombatants killed. I mentioned Sergeant GERBERDING; several other times during my tour there something came up when we were talking about kill figures that some were non-combatants in the kill figure.

Q. Do I understand you that several times during your tour thereafter that Sergeant GERBERDING when you were discussing

kill figures, would refer back to the March 16 operation?

A. I think he was talking about that one, because of the large number of people killed that day.

Q. Well, we have evidence that a substantial number of people were killed, or that it was reported that a substantial number of people were killed by an artillery prep, but they were reported as VC. What I would like to get from you is, if you can recall, whether there was any discussions of the possibility that the number of people killed by the artillery prep reported as VC were not all VC, that some were noncombatants, including women and children. If you can recall anything about discussing that aspect of the people killed by artillery, it would be very helpful to us.

A. I wish I could, but other than what I just said, I don't know anything about that specific point.

Q. Do you ever recall discussing the question of non-combatants killed by artillery fire with Major BLACKLEDGE?

A. No, sir.

Q. Do you recall discussing it with anyone other than Sergeant GERBERDING?

A. No.

Q. Do you recall when you left the 11th Brigade whether they had file cabinets in the S2 office, or at the time you left did they still only have the safe?

A. I believe we had built some wooden cabinets that we were using.

Q. More than one?

A. Are you talking about unclassified documents? We had some unclassified regs and we had a map cabinet. But all our classified was stored in either the safe or in my small safe.

Q. But for unclassified material you had file cabinet or file cabinets?

A. I can't recall having a metal file cabinet.

Q. Have you any recollection at all of hearing about or seeing a report of investigation dated on or about 24 April 1968, prepared by Colonel HENDERSON?

A. No, I never saw it.

Q. Major, I show you a copy of a document that has been entered into the record of this hearing as Exhibit R-1. It is a two-page report of investigation, dated 24 April 1968, with two attachments. It is addressed to the Commanding General, Americal Division and signed by R.G. HENDERSON and I ask you if you have ever seen that document before?

A. No, sir. I have never seen this before.

Q. Have you ever seen either of the attachments to that document, that is the statement dated 24 April and the translation of some VC propoganda, a two-page document?

A. When I was S2 later on, I believe. I don't know if this is exactly the same thing. There was a Vietnamese document about the village of Son My and the killing of some people. I recall seeing a high figure on Son My. This came in as a captured document.

Q. From whom did you receive that captured document?

A. I don't know, sir. It would have been one of the units that picked the document up in the field.

Q. You would have seen the translations?

A. Not necessarily, sir. We would get mail bags full of documents.

Q. I thought you said that you did not read Vietnamese.

A. I don't.

Q. How did you recognize the reference to a document if you had not seen a translation?

A. I saw the actual document. It was a figure, a number and the village of Son My was mentioned, but as far as what the rest of the contents was, I don't know.

Q. Did you take that document that you saw and have someone who could read Vietnamese read it to you?

A. No, sir. We would get mail bags full of documents that I would not see. I would see the ones that were important. They were forwarded to division and from division to Saigon. Each way they were screened by people and the important meat of the documents were sent up to us.

Q. Was your office supplied with copies of reports about items of intelligence developed by the advisors of Son Tinh or at the province headquarters in Quang Ngai?

A. Your question is, did we get developed intelligence from the district people?

Q. That is right.

A. We would get it. Yes, we would get the English copies of intelligence from district. Whether we were getting it exactly then, I don't remember. I know as S2 later on, we developed everything that we could get intelligence. But I'm not sure if we were getting district reports then or not.

Q. Did you get those reports direct from the district headquarters or did they go through the province advisor's office before they came to you?

A. They go through province.

Q. Did you have any regular contact with Major GAVIN at Song Tinh Village?

A. There was a Captain WERK that I had dealings with. I remember the name GAVIN, but I don't know if I had contact with him.

Q. How about Colonel GUINN? Did you have any contact with him?

A. I remember his name too and I probably saw him in some meeting. Usually, the reports that we got from province were pretty dated when we got them and anything hot, Captain WERK would call me and call the office and give us that information.

Q. Did you know a Captain RODRIGUEZ?

A. I don't recall it, sir.

Q. Can you give us any explanation why you would not be aware of an item of intelligence such as the statement dated 14 April 1968 and a report of investigation with respect to that statement, prepared shortly thereafter by Colonel HENDERSON?

A. Why I don't know about it? I really don't know.

Q. Isn't this the sort of thing that would come to Colonel HENDERSON through the S2 office or, if it came directly to Colonel HENDERSON, that the S2 office would be advised of?

A. Probably so, and Colonel BLACKLEDGE probably saw this, I don't know. My job as S2 air was an area that--at least I was trying to put my primary effort into the S2 air and providing the reconnaissance support for the S2 offices and there were probably instances where I didn't see every document coming in there and Colonel BLACKLEDGE just about saw everything that passed over his desk. He had a tremendous memory and really knew a lot of detail about the whole operation or the whole area. He probably saw just about everything that came across his desk.

Q. Did he have good working relationship with Colonel HENDERSON?

A. Yes.

Q. Do you think it would be a safe assumption that anything to do with propaganda or intelligence received from Vietnamese would be something that Colonel BLACKLEDGE would be made aware of by Colonel HENDERSON?

A. Yes, sir.

COL WILSON: Do you recall whether the S2 section of the 11th Brigade kept a log in addition to the TOC log journal?

A. No, sir. It was a joint S2 and S3 journal kept in the TOC. Daily summaries were prepared from that log.

Q. From that log?

A. Yes, sir.

Q. Do you have much contact with the S5?

A. Yes, sir. I can't recall his name, but we did have contact with him.

One other point, I recall now there were a couple of safes and my little safe. I think that I only had access to the one safe. If I am not mistaken, the other one was used by Colonel BLACKLEDGE and Sergeant GERBERDING. I just used the portion of the one.

Q. Did you ever see anything go into the safe marked for "Eyes only"?

A. I think there was something with "Eyes only." I don't recall when it was. I just remember something in a folder marked "Eyes only" someplace. I didn't even bother with it.

Q. What safe was that you are talking about?

A. I don't know. I just can't recall when it was. Just "Eyes only" rings a bell.

Q. Did you spend much time in the TOC?

A. I was night duty officer quite frequently.

Q. Night duty officer?

A. Yes.

Q. Did you have anything to do with preparing the briefing? Did brigade have a briefing every morning?

A. No, sir, just informal. He would come in and be briefed by the duty officer.

Q. Were you there when the colonel came in?

A. No, sir, I would give it if I had been on the night before. I would brief him when he came in the morning. And, also, there was another officer there in charge of the Duc Pho perimeter, the base camp itself, and he would give a little lecture.

Q. If you were to brief Colonel HENDERSON on the morning of the 17th, you would have probably told him that Task Force Barker got 128 VC KIA the day before?

A. No, that would have been briefed the night before.

Q. That night. So, he had a briefing in the evening?

A. Yes. The main, formal briefing for the brigade was held at 1730 each day.

Q. I see.

A. Then just what happened last night was briefed in the morning.

Q. Were you on the 8 or 12-hour shift? What time did you go on?

A. I got off at 0800 and I guess we went on at 2000. It was from 2000 to 0800.

Q. You went on at 2000 and brigade commander didn't get briefed earlier than that in the morning?

A. No. He would come in at 0600-0630 in the morning.

Q. Actually, you would get involved in both of them, wouldn't you?

A. I did get involved with both and I used to brief the S2 portion, at times. Colonel BLACKLEDGE would usually brief them and if he was not there for some reason, I would brief them.

Q. You mentioned you were the S2 for a while. When were you the S2?

A. From the time Colonel BLACKLEDGE left, the exact date I don't recall, from the last of April or the first of May, until I left the brigade.

Q. During the time you were S2, did any of these matters come to your attention regarding either propaganda or complaints, rumors, any statement whatsoever which indicated there were unnecessary killings aside from the artillery on civilian inhabitants?

A. No, sir. It's incredible, but I did not hear anything other than that one propaganda document which I just fleetingly saw.

Q. It seems odd, if you got as many propaganda documents, that you would notice one like that and you can't read Vietnamese?

A. No, sir.

Q. Did the title have a bunch of numbers on it and the village name? Did you have a whole sack full of leaflets?

A. I just remembered there was one sheet. There was something in Vietnamese about 500 killed or something like that. We could get propaganda and it didn't really trigger any real question.

Q. Who determined when the propaganda was worth translating or not?

A. All of the documents would go to the 52d MI Detachment, the military intelligence detachment, and they would screen them. Actually, they would go to the unit first. The unit would look them over and see what it had. If they had a few hours they would read over them.

Q. Have you ever heard of anyone being questioned in a formal manner, an investigation concerning an operation that Task Force Barker conducted?

A. No, sir.

LTC NOLL: As S2, in your duties did you have forward observers or visual observers that you controlled for visual observation?

A. Visual aerial observation, yes sir.

Q. Would they perhaps have an opportunity to watch an insertion?

A. Generally, no. The reason is that in an insertion there are so many other aircraft in the area plus the usual command ships, choppers and there was no additional need for people in the air. It was pretty dangerous as it was. In fact, this is how Colonel BARKER got killed. Usually, our visual reconnaissance was supplementary to the insertions, and supplementary to the battalion commander's area of observation. We usually covered areas that were not going to be covered by our other ships. Usually in an operation, except for the FAC, he would be in the air for air cover.

Q. Did you receive any information on the 16th or any comments at all on the operation? Did you have your people working in the area, C/1/20, or B/4/3 operating on 16 March?

A. I think there was one man, but I don't know if he was there or not. We had assigned a Lieutenant Dennis JOHNSON to work the Task Force Barker area. He was from the 52d MI Detachment, and he may or may not have been in the area. I don't know.

COL WILSON: If he was in the area, would Lieutenant JOHNSON come back and report to you?

A. He would report to the battalion that he was working with and the battalion would report to us and when he got back he would fill us in.

Q. Did you ever get a chance to look at the photographs that came out of these operations or didn't they go over to S2?

A. I didn't see any photographs of this operation. We would see photographs from time to time.

Q. Did you have any reason to question the validity of the body count in Task Force Barker?

A. Of Task Force Barker?

Q. Within Task Force Barker?

A. Just that one day that I mentioned there was some talk that there was some noncombatants in the body count. That was the only time. I know when I was S2 we were pretty careful on what we count and what we didn't count.

Q. Who was careful?

A. The S2, we were the ones that had to make the final decision. For instance on an LRRP patrol, one time I recall one of the LRRP patrols counted so many three or five that were killed by artillery that they thought they had called in on somebody, called in on some people with packs and weapons. They were not close enough to them so we didn't count them. There was an Americal Division policy that you had to be within so many feet of the action to count the body. We were quite careful and I think the count was fairly accurate. As accurate as could be expected.

Q. The count is made in the field by the soldier on the ground and that is where you get your numbers from?

A. Yes, it is.

Q. The question of care at your level is really hardly accurate, because you are compiling reports at brigade level?

A. Right, sir.

Q. The question that I had was--and to get into the details as to how these body counts were made, you'll see what I am talking about. Did you ever have any question about any of these counts?

A. Yes, sir, that one LRRP situation.

Q. That one LRRP situation? Other than that?

(Witness does not answer.)

You probably had closer supervision on the LRRP than you probably did with the Task Force or the battalion?

A. Yes, sir.

Q. I didn't give you a chance to answer the question, I don't think. I'm not trying to put words in your mouth.

A. The body count was something that we always had to keep our reins on because it can get out of hand. You just had to try to evaluate the situation and I, granted, I was not at the spot, and every soldier was not at the spot, but we tried to keep it as accurate as possible.

Q. When the brigade commander was in the area for the combat assault, say a task force or battalion operation was going on, would he tend to bypass the normal reporting procedures such as the battalion or the task force headquarters reporting to the brigade. Would sometimes the entry or this report come from the brigade commander direct to his TOC?

A. No, sir.

Q. It wouldn't?

A. Unless for some reason there was a problem in communications. No, he was quite careful in following a normal procedure.

Q. Normal reporting procedures?

A. Yes, he might be in the air and the battalion commander would be out of the area and he would send it back to his TOC.

Q. But he would send it back to his TOC if he took something out in field. He would send the information back to his TOC?

A. Yes, but it was not in anyway meant to bypass the battalion.

Q. You know when your brigade commander is in the air over an area, he is talking to the battalion commander.

A. Yes, sir.

Q. Frequently some of the things they talk about could be reports?

A. Yes.

Q. Was Colonel HENDERSON accurate in passing this information back to his headquarters?

A. Yes, sir, he was accurate in every way possible. He was an outstanding man.

Q. Would the TOC be monitoring Colonel HENDERSON's-- anything that he was discussing with the battalion commander on the air-ground nets?

A. It could be. Usually, on operations we'd be monitoring his frequency.

Q. You had been monitoring his brigade frequency but would you be monitoring the brigade frequency?

A. Yes, during an insertion.

Q. How many radios did you have back in the TOC?

A. We had one that was free and we used a monitor. I don't recall any others. We had more. We had one with division.

Q. You had a division net and you had a brigade net?

A. Yes, sir. In something like that, a combat assault, we would monitor that frequency and listen and hear the insertion and everything.

Q. Who would monitor that?

A. People in the TOC. Whoever was duty officer, and people from the brigade staff in there listen to it, too.

Q. When the insertion is over, we are talking about

maybe an hour, what happens after that? Do you get off of the net? Do you follow it the rest of the day?

A. No, not necessarily. The primary things was whether the LZ's were hot and this type of thing. Once it was determined they were on the ground. we wouldn't necessarily monitor.

LTC NOLL: I have a copy of the 11th Brigade Daily Staff Journal which has been entered into evidence as exhibit M-46. It indicates that C/1/20 counted 69 VC killed as a result of artillery. Do you by chance remember the source of this report, the manner in which it arrived in the 11th Brigade, this item 53?

A. How it came in?

Q. Yes.

A. It would come in from Task Force Barker to TOC to us, at 0935.

Q. Nothing that you recall is an exception to that? Did it in fact come from Task Force Barker, do you recall?

A. No, sir.

COL WILSON: Do you have any further testimony or any statements that you want to make that would assist us in this matter?

A. I don't think so.

Q. I would like you, if you run across any documents or photographs or any evidence that may be used by this board, when you get back to run a copy off and send it to us. You know what we are trying to determine and looking for.

A. Yes, sir, I don't have anything like that.

Q. You are directed not to discuss your testimony with others including other witnesses for this inquiry, except as you may be required to do before a competent judicial, legislative or administrative body.

Unless you have something further, that will terminate this interview.

A. I don't have anything further.

(The hearing recessed at 1422, 21 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: SHANNON, Richard J. CPT

DATE OF TESTIMONY: 20 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Catholic chaplain to Task Force Barker.

The witness vaguely remembered a memorial service with another chaplain for the 1/20, but did not recall if it was held on 15 March 1968 (pg. 4). He did not recall anything else about the incident at My Lai (4).

(SHANNON)

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SUM APP T-188

(The hearing reconvened at 1433 hours, 20 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

Sir, the next witness is Chaplain Richard J. SHANNON.

(CPT SHANNON was called as a witness, was sworn, and testified as follows:)

Chaplain, for the record, will you state your full name, grade, Social Security number, organization, and station?

A. Richard J. SHANNON, Captain, , Headquarters Company, 3d Brigade, 5th Infantry Division, Fort Carson, Colorado.

RCDR: Thank you.

IO: Captain SHANNON, have you had an opportunity to read the instructions (Exhibit M-57) which were provided you?

A. I did, sir.

Q. You understand them or have any questions concerning them?

A. I understand them.

Q. Beside myself here at the present time is, on my left, Mr. MACCRATE who has volunteered his services to Secretary RESOR to help me in this inquiry and also provide legal counsel to me and other members of the investigation team. On my right is Colonel ARMSTRONG who has been designated by the Office of the Chief of Staff to serve with me as an assistant in conducting this investigation. Each of these gentlemen may address questions to you this afternoon. We have other teams who are likewise taking testimony from other witnesses. I, of course, will have the final job of putting

the report together and weighing the evidence, and making findings and recommendations, assisted, of course, by other personnel as appropriate.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance of official duty or as you may be required so to do before a competent administrative, judicial, or legislative body. In the latter respect, the legislative body, it is possible that you may be called to testify before a committee or a subcommittee of Congress. More specifically, I would think that you may be called before the investigation subcommittee of the House of Armed Services Committee. To my knowledge you have not been cited in the general court-martial case of the United States v. Calley?

A. No, I haven't.

Q. Well, if you are, I would only say that your testimony here would in no way change the applicability or the effect of that order, or any of the other orders which may be issued in the general court-martial cases relating to the My Lai incident. You have any questions on anything that I've covered?

A. No, I think it's clear.

Q. Captain SHANNON, would you indicate your duty assignment with the Americal Division in 1968?

A. Yes. I went over with the 198th Infantry Brigade from Fort Irwin, and took up my area there at Chu Lai. The 11th Brigade followed us over, and one of their battalions, I think it was the 1/20, was just south of us at LZ Dottie in that area there. The Catholic chaplain for their brigade was down at Duc Pho, and he didn't seem to get up to that battalion north of us. So either the battalion commander or the battalion chaplain of the 11th or the brigade chaplain down there asked me to give Catholic coverage to this particular unit there. And I think in the meantime, when the task force was put together at the time, I didn't know whether I was coming along with the task force or with that unit that was in that area.

Q. You do remember Task Force Barker working south of LZ Dottie then?

A. Yes.

Q. And providing periodic religious service to them?

A. Right, sir.

Q. Now of course, we know that what we're talking about is really almost 2 years ago, more specifically about 22 months, but we would ask you to tax your memory and see if you can bring forth some of this information which is stored back there, which would be of assistance to us. Did you have any knowledge of the Task Force Barker operation into this area, which we have outlined on this blown up map here (Exhibit MAP-1), generally the area of Song My Village or into an area known as Pinkville?

A. Yes. That name came up a lot, and I remembered on one particular hill one day out there where the artillery was, the commander showed me out there, "That's Pinkville out there."

Q. Would that have been possibly to the north of there, at the LZ known as LZ Uptight, which is about 5 kilometers north of there?

A. Right. I think that was the name of it, right.

Q. Do you recall this operation which was initiated on the 16th?

A. I couldn't. It seemed they had gone in there all the time really. I wasn't that conscious of one operation from another one.

Q. I see.

A. It seems like I remember hearing from one commander to go back in there and get rid of them, something like that. I don't remember the specific operation or that date.

Q. Do you recall a memorial service being held at LZ Dottie early in the afternoon of the 15th, which was divided into both Catholic and Protestant religious service. And then a combined memorial in honor of an individual by the name of COX who had been killed about 2 days previous to that?

A. I vaguely remember having a memorial service with the chaplain from the 1/20, whether it was that day or not, I don't have any record of it.

Q. Nothing stands out in your mind? You remember at all talking to Colonel BARKER or to Captain MEDINA on that day and talking about the operation out into this area (indicating)? Captain MEDINA, I believe, was of the Catholic faith, and Colonel BARKER, I think, was of the Protestant faith?

A. No, I can't recall any. Something about a memorial service did ring a bell there. I think we did, but I'm not sure, though.

Q. Were you ever aware of a report which was reported to have been made by a helicopter pilot, indicating that there had been some unnecessary killing of women and children in the My Lai area or the Son My area about the middle of March?

A. No. I never heard anything like that.

Q. Were you ever approached for information concerning anything that may have happened here by a Colonel LEWIS, your Division Chaplain?

A. You mean when we were over there?

Q. Yes.

A. No, no. He never asked any questions.

Q. Did he ever come down and ask you to keep your ear close to the ground and see if you heard any grumblings or anything about what might have happened down in this area (indicating), to the southeast of where you were located along in March, April, or early May time period?

A. No. He never mentioned that to me.

Q. How about Major CRESWELL? Did he ever talk to you?

A. No.

Q. Did any of the senior commanders or staff officers ever talk to you about this?

A. No, sir. It was never mentioned--any unnecessary killings or anything like that.

Q. You don't have to answer this next question unless you feel obliged to answer. Did anybody of the Catholic faith talk to you about anything which may have happened in this area about that period, that was bothering him?

A. No.

Q. Did you ever hear any rumors or any loose talk which caused you to suspect something?

A. No, no indication at all.

Q. Were you ever aware of, or did you ever hear of an ARVN investigation or a U.S. investigation, either one, into this area?

A. No. I never heard anything about it.

Q. How was your relations with the Vietnamese, the Catholic Vietnamese, and Buddhists? Did you ever have much contact with them?

A. Yes. Up in our own area I used to say Mass for them in one of the villages there, I guess the--

Q. (Interposing) Up towards Chu Lai, then--

A. (Interposing) Right.

Q. And then you crossed river?

A. It was over on the peninsula. I forgot the name, sir. But we had one outpost there, and I used to go down into that village and have Mass there and a couple of other places north of Dottie. Up there was one village that was all Catholic, and they didn't have a priest there. We got a little outpost there, but after we moved out of there, I think, the whole village had to move out of there, and I talked to them a couple of times. The priest and about three or four of them were in Duc Pho. There's a large village there with sisters, and we used to bring clothes and things to them.

Q. You mean farther to the south, south of Quang Ngai, down in the Duc Pho area?

A. No. It was closer up to Chu Lai, north of Dottie.

Q. Here you can see LZ Dottie and Quang Ngai City (indicating).

A. No. It was up farther towards the east.

Q. You can see Chu Lai there on the coast near the northwest corner of the map.

A. It was on this river here. It's on this river, that little one there (indicating).

Q. Binh Son?

A. Yes, Binh Son.

MR MACCRATE: For what period did you serve as chaplain of the 198th Infantry Brigade? When did you leave there?

A. I left there on 1 October 1968. I was there one year.

Q. You recall who the Protestant chaplain was, that you used to see at LZ Dottie?

A. It was Chaplain COOPER, I think. I think he lived up close to Chu Lai base. I mean his resupply and everything was back in Chu Lai.

Q. Do you remember Chaplain KISSINGER?

A. I remember the name. He was with the 11th Brigade.

Q. Could he have been the Protestant chaplain who helped you at this memorial service? Does that seem to ring a bell?

A. He could have; I remember seeing him on a couple of occasions at some of these LZ's. I couldn't actually say for sure.

Q. Since returning to the United States, have you been

in contact with some members of the units with whom you were at that time in Vietnam?

A. Just with men of my own brigade I've talked to.

Q. Have you talked with any members of the Task Force Barker and the companies that were there?

A. No. I don't think I have been in touch with any of them.

Q. Have you talked with any of the chaplains of the Americal Division, either in the 11th Brigade or in your own brigade?

A. No. I haven't seen any of them since I got back, except Chaplain LEWIS, the division chaplain.

Q. You have spoken with Chaplain LEWIS?

A. Yes.

Q. When did you speak with Chaplain LEWIS?

A. It must be at least 3 or 4 weeks ago.

Q. Did you share your recollections or lack of recollections at that time?

A. Yes. I did. He asked me what I knew, and I told him I don't know anything or didn't hear any rumors or anything.

Q. Did he indicate to you any of his recollections?

A. No, he said he couldn't remember anything, either, that looks suspicious or anything.

COL ARMSTRONG: If you'd gotten some of this from confessions, or just men coming to you, what would have been your reactions?

A. My feelings, you mean what would I have done?

Q. Yes. What would have been the results of this?

A. Well, because of the seal you wouldn't be able to do anything on your own, but we can ask the person to use this information for the common good or something like that. And certainly I would have done this or told the person to talk to someone or see someone or see me outside of his confession.

Q. Now, let's say he came to you in your office, and of course, this is the same thing as a confession.

A. Right.

Q. When you get a feel like this from your people, and you get a normal feel of the morale of the unit, do you ever go down to your commanding officer and say, "Look, things aren't so hot," without getting specific?

A. Right.

IO: If you did hear, in the process of either your confessions or in any of the business, of war atrocities being committed, whether anybody was telling that about himself, I take it that you would direct him to the right audience?

A. Right.

Q. Whether it be the inspector general or the judge advocate general or his commanding officer or whatever the case may be, so that this crime or atrocity could be checked into?

A. Yes.

Q. That's what I get from what you've indicated to me.

A. Right.

Q. Well, we appreciate your coming in, Captain SHANNON. We know that you did not have too much to offer, but we're searching for bits and pieces to try to put this whole maze together. If anything does come to mind in the future, we ask you to get in touch with us, and Major LYNN will tell you how to make contact with us. Or if you know of any documents, papers, or photos or anything in a material sense that would be of help to us, we'd like to have that, too.

At this time if you have any questions, we will try to answer them for you, or if you care to, you may make a statement into the record.

A. Just one question. Yes, about that memorial service. Would you want me to try to remember something about it?

Q. Well, what we're trying to do is to fix the time and the place, and we're also trying to fix the mental attitude of the men concerned with the memorial.

A. Oh, I see.

Q. This unit, specifically C/1/20, a few days before this had suffered somewhere in the neighborhood of 17 or 18 casualties in a minefield, which had them up to somewhat a high pitch. In addition to this, a few days after this they lost this one man, COX, and a couple of other men. So they were pretty well keyed up.

A. Was this a minefield? It wasn't all in one spot, was it?

Q. The 17 to 18 were all in one spot. They got into a minefield, and by the time they could get the unit extracted, they had a number of casualties.

A. I do remember being called to this particular company in that rear area to one man who was in one of these mass casualties, and he didn't want to go back out in the field. It seemed he was the only survivor there.

Q. It pretty well decimated the platoon?

A. Yes. He said they were all wrapped around the tree or something, command detonated. I do remember that particular incident. I imagine it was before April sometime, because when I went on R&R and came back, our unit went up north to Baldy there, near Danang, and I don't think after that time I took care of any of their troops down in that area.

Q. Well, it would pretty well have to be in the March or early April period, because we know that Task Force Barker was disestablished on 9 April.

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A. Yes.

MR MACCRATE: Did you keep a file of your letters of condolence or sympathy that you sent to families?

A. I think we did in the office, and then gradually the division took over, and we didn't.

Q. Do you know if you did address any to next of kin of members of Task Force Barker, and if so, where would they be today?

A. No. I wouldn't have anything to do with that part of it. I was just helping them out. I wasn't assigned to the task force or anything, but just area coverage.

Q. Area coverage? Yes.

A. I'll try to recall something.

Q. There are indications that some of this information was at that time in chaplain channels. A man who was very concerned with what he had observed did report, and we've been trying to trace this around through chaplain channels. If there's anything that begins to fit in with the benefit of hindsight, this would be very helpful to us.

A. Now, this memorial service that I had forgotten all about, I do remember giving one down there. Was this man Catholic?

IO: I'm really not qualified to say.

MR MACCRATE: Apparently it was both a Protestant and a Catholic denominational service, separately, and then a joint memorial service with all the chaplains. It may have been more than two chaplains present.

A. We do that a lot. We have the memorial service that we both partake in, and we split for the denominations. A little bit is coming back.

IO: It comes as a sudden shock, you know, to try to remember back. I hope nobody asks me what I did 2 years ago, because with exceptions, I probably wouldn't remember. If any of this does come back, we would appreciate your getting in touch with us.

A. Okay, fine, sir.

IO: The hearing will recess.

(The hearing recessed at 1458 hours, 20 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: SMITH, Fred MAJ

DATE OF TESTIMONY: 30 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: S3 Air for the 11th Brigade.

1. INQUIRIES AFTER THE ASSAULT.

As the witness was TDY from 13 March to 18 March he did not receive a request from Colonel HENDERSON for a report on what the gunships had done on the 16 March operation, and he heard nothing about it (pg. 10). He knew nothing about any report sent in reply (pg. 10). He did not recall hearing that a pilot from the 123d Aviation Battalion reported observing unnecessary and indiscriminate killing of women and children in the Pinkville area on the 16th (pg. 11). He remembered no discussion of the disparity in the operation's body count to weapons count ratio (pg. 11). He was never questioned by a chaplain concerning the unnecessary killing of civilians (pg. 11). He did not remember a report from HONDA about a woman lying spreadeagled beside the road with an 11th Brigade patch between her legs (pgs. 12, 13). He recalled no investigation of an air space problem between the Sharks and the Warlords over the AO on the 16th (pg. 14). Neither BLACKLEDGE nor MCKNIGHT said anything to him about an investigation (pg. 14).

2. OTHER INFORMATION.

a. Discussions since the matter became public.

Since the matter became a matter of public knowledge the witness has spoken to the following persons concerned with it: Colonel LUPER; Major MCKNIGHT; Major MATOS;

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Lieutenant HOWARD; Major HOPE; and Sergeant KIRPATRICK (pgs. 2, 3). The witness asked LUPER if he knew about the incident to which LUPER replied that there had been an investigation (pg. 3). The witness did not ask LUPER any further questions and LUPER volunteered no further information (pg. 4). LUPER did not say what the results of the investigation were (pg. 4). SMITH did not discuss the incident itself with MCKNIGHT. They only discussed possible places for the witness to stay while appearing before the Inquiry (pg. 3). SMITH did not discuss the incident with Lieutenant HOWARD (pg. 5).

b. SMITH's duties.

The witness described his duties in great detail on page six of the testimony (pg. 6). One of his jobs was to coordinate with the 174th (pg. 7). He worked very closely with the company commander and other personnel of the 174th (pg. 7). He had to report his helicopter requirements to division each day, preferably prior to 1530 (pg. 7). Helicopter allocation would be reported back to him between 2000 and 2200 each night (pg. 8). Pilots had to prepare a brief after action report showing time and distance travelled and the number of hits (pg. 8). He expected his pilots to discuss unusual occurrences with him (pg. 8). Since the 123d Aviation Battalion was not considered a normal aviation asset, he had no responsibility for maintaining liaison with it (pg. 10). He normally did not work with the 14th Aviation Battalion (pg. 32).

c. The OREP.

The OREP (Exhibit R-3) indicated that 12 slicks and three gunships were operational on 16 March (pg. 29).

d. Filing system.

He did not recall retiring any aviation records while he was brigade aviation officer (pg. 32). He knew nothing about such records being retired either before or after his tenure as brigade aviation officer (pg. 32). However, some aircraft records were lost in a mortar attack (pgs. 32, 33). He did not maintain records giving the names of helicopter crews assigned to them for a particular operation (pg. 33).

(SMITH)

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-11		Doorgunners in	
P-12	Miscellaneous Scene	picture could have belonged to 174th, but not to 123d.	21,24
P-26C	Miscellaneous Scene	Wit could not identify unit of aircraft.	19
P-27C	Miscellaneous Scene	Wit could not identify unit of aircraft.	19,20
P-29	Miscellaneous Scene	First aircraft is a Rattler and the second one is a Rattler.	20,21, 23
P-65	Miscellaneous Scene	First aircraft is a Dolphin; the second one is a Rattler.	20,23
P-123	Miscellaneous Scene	Wit could not identify unit of aircraft.	19
P-124	Miscellaneous Scene	Wit could not identify unit of aircraft.	19
P-127	Miscellaneous Scene	Wit identified as a 174th aircraft.	18
R-3	Daily OREP, 174th Aviation Bn, 16 Mar 68	Wit described use of form and informed inquiry of what it said.	25-31

(The hearing reconvened at 1546 hours, 30 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

Sir, the next witness is Major Fred SMITH.

(MAJ SMITH was called as a witness, was sworn, and testified as follows:)

Major SMITH, for the record, would you please state your full name, grade, Social Security number, organization, and station.

A. My name is Fred SMITH, Major, Student, Command and General Staff College, Fort Leavenworth, Kansas.

RCDR: Thank you.

IO: Major SMITH, on my left is Mr. Robert MACCRATE, who is a civilian lawyer. He has volunteered his services to Secretary RESOR to assist us in the conduct of this investigation, and also to provide legal counsel to me and the other members of the investigation team. On my right is Colonel ARMSTRONG, an Army colonel, who has been designated by General WESTMORELAND's office as an assistant in this investigation. Either of these gentlemen may also address questions to you this afternoon. We have other groups such as this that are taking testimony from other individuals. As you might well imagine, I will have the responsibility of putting together a report, to weigh the evidence and to determine the findings and recommendations. Now do you have any questions concerning the instructions and what I've said up to this point?

A. No, sir.

Q. Major SMITH, would you indicate your duty assignment within the Americal Division; when you were assigned to the division; any change of assignment you may have had, including the approximate dates; and then, of course, the termination of your service with the division.

A. Yes, sir. I joined the brigade in June 1967 while they were stationed in Hawaii as the brigade aviation officer. I remained the brigade aviation officer until we went to Vietnam. When we arrived in Vietnam, I also took over the duties as brigade S3 air, and airfield commander of an airfield that was located at Duc Pho. I kept those three jobs during the entire year of my stay, and left the last part of November 1968.

Q. Good. So you have a great deal of continuity. Major SMITH, since the My Lai incident, which is supposed to have occurred on about 16 March 1968, became a matter of public knowledge via the newspaper, radio, television, and other media about 4 or 5 months ago, the latter part of September or October 1969, have you had any conversations with anybody from the brigade or from the division or any of the attached units operating in the area concerning let's say the incident itself, the reporting of the incident, or any of the investigations of the incident?

A. None about the reporting or the investigations, sir. Because I was interested in the unit and I was there at the time, I talked to the people who were at Fort Leavenworth. Would you like their names, sir.

Q. Yes.

A. Colonel LUPER, and I'm not sure of his first name. He was there. He was brigade artillery officer.

Q. That's the artillery commander of the 6/11?

A. Yes, sir.

Q. Yes.

A. Major McKNIGHT, Robert McKNIGHT, who was the brigade S3, and the assistant S3 at different times during my stay.

Q. And you worked directly with him?

A. Yes, sir. I worked for Major McKNIGHT or when he was assistant I worked for his boss, whoever that was,

and Major MATOS, who was the airfield commander, and came in later during the year and stayed there after I left. I talked to those three individuals. I talked to a lieutenant that worked for me in the 11th Brigade, who is now a civilian and going to law school at the University of Georgia, was one of my pilots. I talked to him. His name is Jeffrey HOWARD, who was a lieutenant, made captain, and is out of the Army now. I met Major HOPE and Sergeant KIRKPATRICK in the Kansas City Airport, and we discussed it on a very casual level. To my knowledge, sir, that's the only people that I've discussed it with that was there.

Q. All right. Now, let's come back just a little bit. What did you discuss with Major MCKNIGHT?

A. Major MCKNIGHT, I knew that he was coming up here to Washington to appear before this board, and then I heard later that he had appeared before another board. And we just discussed the fact that he had appeared. I did not ask him any questions about the incident, because I was sure he couldn't tell me. And when I discovered that I was going to appear before the hearing, I called him to get recommendations for a place to stay and to get a general feel for the administrative portion of the hearing, sir.

Q. But you didn't discuss the incident or anything about it?

A. No, sir.

Q. What do you remember about this or what do you remember about that?

A. I did not, sir.

Q. How about Colonel LUPER?

A. I think I asked Colonel LUPER something to the effect that, "Did you know about the incident, sir." And he said, "Oh, yes, there was an investigation," or something to that nature. And that was generally all the conversation I had with Colonel LUPER on the subject.

Q. Was that after he'd been back here or was this--

A. (Interposing) I really don't know, sir. I

couldn't say. I don't know when he appeared exactly. I see him in school from time to time, in the coffee shop or in the hall or in his office. And I really couldn't tell you what time it was. I talked to him after he had came up over Christmas. He had received orders to come TDY just before Christmas, and I know he told me he was just barely able to make it to his home for Christmas, at that time.

Q. He indicated to you the fact that there had been an investigation.

A. I would not want to say he told me that something had happened. That an incident had happened in My Lai. But that's all I know, sir. And once again, I didn't ask him any particular questions, and he didn't divulge any information.

Q. Well just a little while ago, though, you indicated that he had said to you something to the effect that there had been an investigation.

A. Not the investigation so much, sir. I asked him if he was aware of the incident, and he said, "Yes, he was aware," and I'm almost sure he said there had been an investigation. So perhaps that was the point.

Q. Did he indicate to you what the results of the investigation were?

A. No, sir.

Q. You'll probably be thinking some more about that.

A. All right, sir.

Q. We may come back to it. Now how about this lieutenant?

A. Lieutenant HOWARD. He called me about a month after the release had been made in the papers and on television, and was telling me of what he was doing at that time and going to law school. I asked him if he had been aware of the incident in Vietnam.

Q. What'd he call you about?

A. He was going to law school, and he was going to Italy next summer. He wondered where my next assignment was going to be out of Fort Leavenworth.

Q. He didn't call to talk to you about the My Lai incident.

A. No, sir. I brought up the conversation on the My Lai incident.

Q. Now amongst your other capacities, Major SMITH, did you also command the 11th Brigade aviation flight detachment?

A. Yes, sir. Brigade aviation officer, that was one of my duties.

Q. You, then, were the aviation officer.

A. Yes, sir.

Q. That made you the S3 air, didn't it?

A. Well, it didn't really. It was two separate jobs, but I held both of them.

Q. Yes, and you were also the airfield commander then?

A. Yes, sir.

Q. You had quite an inclusive job, didn't you?

A. I was replaced by, I think, three majors and a captain when I left.

Q. You have already done part that I wanted and that's to go into a little greater detail describing your responsibilities and functions as the aviation officer, as the S3 air, and the airfield and the flight detachment.

A. All right, sir. I'll start with the airfield

command job, which is the smallest of the jobs of the four that I held. I was responsible for making sure that the tower facilities were in operation, making sure that the proper radios were there, that the airfield was in good repair, and we had a lot of trouble with maintaining the airfield. I coordinated with the Air Force to make sure that we were meeting with all the provisions required, and supervised the individuals who ran the airfield, who were from another unit, TDY to us. That just about explains my job in that area.

As the brigade aviation officer and the brigade S3 air, the duties overlapped in great part. As the S3 air I handled all the requests for tactical air strikes. I worked closely with the B-52 strikes and coordinating those. I worked closely with FAC's, forward air controllers, and their liaison officers to give them areas to search out, to look at, and keep them posted on the brigade's progress. As brigade aviation officer, I was concerned with scheduling aircraft. We provided the command and control aircraft for the brigade commander, or course, and this was generally out of my assets, although not always. We provided command and control helicopters for the battalions, also resupply aircraft. These were out of assets that the division allocated to me, either out of our supporting aviation company or the aviation battalion at division. I coordinated the combat assaults with the battalions. They would call in, make their requests known with the times or number of troops, et cetera. I would file these, call them in to division, and either get the appropriate number of helicopters or not. And then I would take these to my boss, the S3, and they would approve or disapprove a particular combat assault. I took all the supply requests for all the units and scheduled and coordinated both the pickup and the delivery. Of course I monitored the CA's as they were in progress to see if they needed additional aircraft, if I could get them.

In my job as aviation section commander, because I spent most of my time in the TOC, I only supervised these people and went down there on a daily basis. I lived in the area, but I spent a minority of my time with the unit itself. I just made sure that the maintenance was up to par, made sure that the people were performing their duties, and general command function. I think that's very broad, sir, but that sums it up.

Q. Did you have anything to do with respect to the 174th?

A. Yes, sir, I coordinated very closely. I was the brigade's link with the 174th. I coordinated usually with their operations. And I called in our requests to the operations sergeant, and coordinated with, and was very good friends with the company commander, naturally, working very closely with him.

Q. Do you remember the name of your ALO at that time?

A. Sir, we had, I think, about three ALO's, and the one that was with us in Hawaii, the name is on the tip of my tongue, but I haven't thought of it for so long, I can't remember it. He was replaced by a Major HARTENBOWER, who was our ALO.

Q. When did HARTENBOWER come in?

A. Sir, I could not even make a guess. I really couldn't. He was there for a considerable period of time, but I don't know what time he arrived.

Q. I take it then part of your duties as the aviation officer and in establishing requirements for helicopters was to make known to the division what your requirements were for each day.

A. Yes, sir.

Q. Was there a specific time that you had to get your requests in?

A. We were supposed to get the requests in by, I believe, 1530, sir, each day. The earlier we could get them in, the better. Sometimes of course we were not able to get them in at 1530, and they would take them later. But they had to brief the division commander sometime in the afternoon, so I believe 1530 was the deadline they gave to us.

Q. And they have work to do after that, so that they can get their breakout.

A. Yes, sir. And then they would call us back,

usually late at night, quite late at night, that is 8,9, 10 o'clock, before we would actually get the word of helicopters for the next day.

Q. Did your crews in the flight detachment, did they prepare after action reports, flight reports?

A. We prepared a report. Yes, sir. It was a brief report showing the time we had flown, the distance, passenger miles, hits, if any, this sort of report, sir.

Q. Was there any discussion concerning unusual incidents or anything of this nature?

A. Yes, sir, we talked about it. I flew with them. When I first arrived over there, I flew with them a lot, and as the tour went on, I flew less because they were able to handle it more. But I talked with my pilots usually every night, and we would discuss these things.

Q. I think Mr. MACCRATE will want to talk to you about the assignment of aircraft on this particular day. I'm going to leave for just a few minutes, but on this particular day, we know that the 174th, for the brigade, supplied two guns and nine slicks. But in looking at the pictures of this air operation, we find that the actual combat assault consisted of two guns and nine slicks, but some of the lift aircraft, the slicks, were not in the 174th. They were in fact from the 71st, which I think you referred to as the Rattlers.

A. I think that was their name, sir. I'm familiar with the number of the 71st.

Q. There were one or more aircraft in there also from the 176th. So it would appear to me that maybe what happened is that some of the 174th aircraft were pulled off for resupply missions within the brigade and those aircraft replaced by aircraft which were provided by the 14th Battalion.

A. Yes, sir.

Q. From Chu Lai. The 176th or the 71st.

A. I'm not sure I understand what the question is, sir.

Q. Well, the question is we're trying to figure out where all these helicopters were this day.

A. Yes, sir.

Q. Including the gunships and including the lift ships. And if you look at it you'll see that the 174th provided nine slicks and two guns and you find that the lift in from LZ Dottie, let's say, to the LZ was with two guns and nine slicks. I think the logical assumption is that well, they're all from the 174th?

A. No, sir, not necessarily. They often, when the 174th had maintenance problems or couldn't provide a certain number of aircraft, for CA's especially, we would get aircraft from the two other slick companies in the 14th Aviation Battalion. They worked together a lot, and we had mixed CA's with the different companies quite often.

Q. Well, I think you can see why we're interested in this, primarily because we also have some aircraft that were on resupply missions and C&C missions that day that were doing some things. We want to find out who was flying them, and unless we can make up who was flying in the two and the nine, it's pretty hard to figure out who was flying in the other ones?

A. I think that my confusion's coming from your saying that we got two Hueys and nine slicks from the 174th, two guns and nine slicks?

Q. That's right, two guns, a pair of guns and nine slicks in the 174th.

A. And that's what we ran our CA with.

Q. Well, that's right, the same number. But in that flight of nine, there were at least three or four or maybe five aircraft from the 71st and the 176th. Therefore there must have been some substitution in there?

A. Okay. I think I see what you mean.

Q. All right. Let's just take about a 10-minute recess right now.

(The hearing recessed at 1605 hours, 30 January 1970.)

The hearing was called to order at 1617 hours, 30 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, COL ARMSTRONG, LTC PATTERSON, and MAJ LYNN.

IO: Major SMITH, we understand that sometime along about the 17th or the 18th Colonel HENDERSON wanted to get a report on what the gunships had done that day, on the 16th. Do you remember that situation?

A. No, sir, I don't. I was TDY away from Duc Pho from the 13th through the 18th, and I arrived back late in the day on the 18th.

Q. On the 18th. Well, then did you hear anything? Actually it should have been on the evening of the 18th when Colonel HENDERSON put out the word to find out what the gunships did that day.

A. I have no recollection of that whatsoever.

Q. Did you have any knowledge of a report going back indicating that the gunships hadn't done anything unusual that day except fire the necessary suppressive fire for the combat assault?

A. I have no knowledge of any report, sir.

Q. As the aviation officer, were you also responsible for maintaining a degree of liaison with the 123d Battalion as far as arranging for aero-scout support, gunship support?

A. No, sir. Strangely enough, the aero-scout platoon, since it was looked on more as a tactical unit, was handled by the 3 with the 3, and I did not get involved in anything except on rare occasions when they might ask me to make a call for them, but normally it was handled on a 3-to-3 basis, because they didn't consider it a normal aviation asset.

Q. You were gone from the 13th to the 18th?

A. Yes, sir.

Q. Where were you at that time?

A. I was at Vung Tau from the 13th until the 17th; and the 17th I arrived back trying to get back home. I arrived at Qui Nhon and I couldn't get a flight out of Qui Nhon on the 17th. So I stayed there and went back to Chu Lai the 18th. Then from Chu Lai I got back to Duc Pho. I don't remember the particular times involved. though.

Q. Do you recall hearing about one of the pilots in the 123d reporting that he had observed what he considered to be unnecessary and indiscriminate killing of women and children in the area of Pinkville on the 16th?

A. No, sir.

Q. When the article came out in the brigade newspaper in The Trident on the 22d, which had an article in it concerning the Task Force Barker, it gave the account of 128 VC KIA, 2 U.S. KIA, and 3 weapons captured. Do you recall any discussion around there concerning the small weapons count?

A. No, sir.

Q. Did a chaplain ever come down and talk to you or ask any questions concerning a report which he had concerning unnecessary killing of civilians?

A. I talked to the chaplain usually on a daily basis, sir, on a casual acquaintance, but I don't remember such conversations as that, sir.

Q. One of your pilots in your flight detachment was a warrant officer by the name of HONDA, I believe.

A. Yes, sir.

Q. Was he a pretty good pilot?

A. Yes, sir, an outstanding pilot.

Q. Along about this time do you remember him coming

back and telling you or reporting seeing a woman killed whose body was lying alongside the road and had her spread-eagled with the 11th Brigade patch between her legs?

A. No, sir.

Q. Did HONDA report to you a discussion which he had with one of the ground commanders concerning the killing of an individual who was lying in the field, which HONDA was marking. The fella came up, he nudged him, and then shot him?

A. I don't remember the conversation, sir.

Q. If this happened would you have expected that that would have been reported to you?

A. Yes, sir.

Q. Do you recall HONDA or any of the other people in the aircraft or on the flight, which I understand they flew in H-23's in pairs with no gunship support, indicating that just east of what we now refer to as My Lai (4) or in that area by Hill 85--Do you know where Hill 85 is?

A. No, sir.

Q. Yes, well, let me acquaint you with a little bit of the terrain. This is just a blowup (Exhibit MAP-1) of this section of the map (Exhibit MAP-5). You notice here is Quang Ngai City.

A. Yes, sir.

Q. Highway 1, Pinkville, which you'll probably remember. This is actually My Lai (1).

A. Yes, sir.

Q. According to the way they have it marked on the map, this is My Lai (4) in this area that you see. Here's Hill 85, sometimes they refer to it as "Elephant Knoll". Remember the citadel?

A. Yes, sir. I remember the citadel.

Q. Well, they have what they call Buddha Mountain citadel and Hill 85 are pretty much in a direct line with one another. This is a big ARVN area out over looking the coast.

A. Right, sir.

Q. Operating in this area on this day, he picks up a body of a woman lying alongside of the road here, black pajamed with an 11th Brigade patch in her crotch. Up in this area he spots a man lying in the field. He's not sure what he's doing. The man won't move. So he hovers over him, marks him with smoke. The lead element man, point man, goes over, nudged him, no action, shot him. When he comes back down in this area to the east of the village he spots 10 military-age males. Five of them take off into a hootch or a bunker, and the other five just sort of trudge along, apparently not paying any attention to him, obviously being prepared to move. And subsequently they did also go in the bunker. One of them in particular was caught out in the open before this. And he took off his shirt and just waved it in the air and jumped up and down to make sure the people saw him and know that he didn't have a weapon. Now, was any of this explained to you?

A. I don't remember any of it.

Q. This is why I asked you the question whether pilots filed after action reports, why this kind of information wasn't called to your attention?

A. I can't imagine, sir.

Q. Now you lived pretty close with the 174th there, and I would imagine that you probably used their club and so forth from time to time. Did you ever hear any talking over in there about any conflict between themselves and the Warlords or anything about some women and children being killed up there in the area of My Lai (4) during this period while you were gone down to Vung Tau?

A. No, sir. If I could explain that slightly. The first part of your question of comparing themselves with the Warlords, of course there's always the kind of conversation that talks about other units comparing them with their own unit, but I don't--

Q. (Interposing) Well, I'm talking about a specific situation which actually was supposed to have taken place north of Hill 85. They were in the aftermath of it while they were sort of accusing themselves of being trigger-happy, so to speak. In fact we have it that the 123d moved out of the area and went down and flew along the Song Tra Khuc River while the other people were up there just so they wouldn't have any air space problems. Were you ever aware that an investigation was being conducted?

A. No, sir. I was not aware of the alleged incident.

Q. Well you were in the TOC all the time.

A. Yes, sir.

Q. Your business was in the TOC.

A. Yes, sir. I stayed in the TOC.

Q. And who ran the TOC? Basically, amongst other things, Major McKNIGHT did supervise the TOC. I recognize that he didn't live in the TOC. He had people to run the TOC, but he was in and out of there all the time. You were in and out of there all the time. You probably had to work very closely together.

A. Yes, sir.

Q. Did he or the S2, Colonel BLACKLEDGE, or anybody ever mention the fact that an investigation was underway or anything that would have indicated that--

A. (Interposing) No, sir. I have no memory. If they ever mentioned it, it made no impression at all upon me, because I was completely surprised when I first heard about the incident.

Q. Yes. Well, these things, sometimes people stuff them in the back of their minds, and they forget about them until such time as they get some refreshers, and then things start coming to light. For this reason I'm going to ask you to continue to think about this thing, and we are already into it in very great depth. We know a great deal of what transpired so that now we're at the point where some little bits and pieces make quite a little bit of

difference in looking at it, significant to the report which we're preparing. This is the reason why we're trying to dig out these things, to fit into place, and that's the reason why we're directing this line of questioning to you.

I'd like to go back to the period of Tet. Were you at Duc Pho during Tet?

A. Yes, sir.

Q. How badly was your aircraft capability impaired as a result of Tet?

A. Very much, sir. Every aircraft that I had in my brigade aviation section was hit with shrapnel and a great many of the 174th were hit. We were just almost out of business for a few days until we could get sheet metal repair and other repair.

Q. By 15 March what kind of condition were you in? By the time you went down to Vung Tau? What'd you go down to Vung Tau for, to pick up some spare parts?

A. No, sir. I went down to get checked out in an OH-6, a new type of helicopter that the brigade was going to get in a short time. This was the only transition school that they had, at that time, in the country. Sir, I really don't remember what it was. I would assume that it was adequate and up to strength.

Q. I don't mean to remember the exact number. I don't run helicopter units, but I can tell you the condition of a great number of the helicopter units throughout II Corps at this particular time. I wasn't looking at the 174th, and a few helicopters in the flight detachment. You must have some kind of an idea about how long it took to get those slicks and the other guns flying, and your H-23's and whether or not you had any replacement aircraft and things of this category.

A. What was the date of Tet, sir, please?

Q. Well, Tet was the last day of January.

A. 31 January? So we had 45 days. In that period

of time, sir, I'd say we were almost completely recovered from any Tet damage.

Q. Had you got in some new aircraft or replacement aircraft?

A. I had received some Hueys while we were in country and I believe that we were able to patch up our aircraft. I don't believe that I replaced any at that time. I think we--

Q. (Interposing) I'm not so much talking about you, frankly. I think your aircraft were known as PRIMO, weren't they?

A. Yes, sir.

Q. I'm thinking primarily about the gunship and the slick capability of the 174th.

A. The gunship was always rather critical because the aircraft were so old.

Q. What were they flying, B's or C's?

A. They were flying B models, sir, and they had a continual problem with them. When Tet occurred, most of the aviation units were also hit equally as bad. I don't believe that the battalion was able to help the 174th. I think, through a lot of maintenance, they brought themselves up. And I don't know of any replacement aircraft. Of course, and once again I don't recall the particular time frame here, but the 174th was trading in its older aircraft and getting new aircraft for a considerable portion of the time we were in Vietnam.

Q. Yes. What model aircraft were they getting?

A. They were getting in the D models, sir, and--

Q. (Interposing) Oh, hell, they must have been getting F's!

A. H models, sir.

Q. F's or H, yes.

A. Yes, sir. I believe it was the H model they were getting.

Q. H model.

A. Yes, sir.

Q. I got H's when I had the 4th Infantry Division in the highlands in 1967. They were one of the replacement types.

A. We were one of the last.

Q. You didn't need them like we did in the highlands. I indicated, what we are trying to do is to try to reconstruct, as best we can, where these aircraft came from on this day so that we can try to figure out whose airplane was flying what specific mission. Colonel PATTERSON has been following this very closely, and I would be sure has it almost pinned down on the button as far as the 123d is concerned. So I don't think we have too much problem there. But we do have still some problems with the loose helicopters that were around this area of Son My Village. That is the name of the village, generally, that is outlined in the operational area of Task Force Barker on this particular day. By this means we may then be able to locate the pilot or the copilot or the doorgunners. To repeat what I have said the records show that the 174th that day provided 2 guns and 9 slicks to the 11th Brigade. That was their total contribution. We know that when the combat assault was made, that it was made with 2 and 2 but as I indicated before, we also know that some of the aircraft in the combat assault did not belong to the 174th. Therefore it seems logical that it would follow that there must have been some substitution for aircraft so that the 174th aircraft could have been used for resupply missions and other such requirements within the brigade.

A. Yes, sir.

Q. I have here some photos. I have here photos Exhibits P-123, 124, and 127. These photos were taken at the pickup zone at LZ Dottie. You might want to slide those photos out of there when you look at it, and put it back in.

A. Yes, sir.

Q. To just see if you can identify what unit those aircraft came from. Some of them may not be from the same unit. We're on the record.

A. This particular picture, sir, P-127, this is a 174th aircraft, I'm almost sure, with the dolphin on the front.

Q. A blue dolphin on the front?

A. Yes, sir.

Q. The aircraft in P-127, Major SMITH indicated is a dolphin aircraft.

A. I'm trying to remember, and I can't, the color code of the different companies in the aviation battalion, I really can't. I see here a white mark or a piece of white paint on the tail of one of the aircraft and it--

Q. (Interposing) On the tail?

A. Yes, sir. On this one right here.

Q. You're referring to this or are you referring to the band?

A. No, sir, the little spot back here.

Q. Well, wasn't there some marking, an identification with the band around the tail boom?

A. Yes, sir. The band was identification. Each company had white with a different color in the center, but I don't remember which was which.

Q. On the tail boom, this marking here, did not the 176th have a distinctive insignia which they had on their tail booms? Were they not known as the Minutemen?

A. Yes, sir, but I don't remember the insignia.

Q. Well I'm not going to put thoughts in your head or anything like that, but we have been told by some of the

people that lived near this area that this is the aircraft of the 176th with the Minutemen painted in white on--

A. (Interposing) On the tail, sir.

Q. On the tail. Just the tail, or the tail boom?

A. That's the tail, to me, sir.

Q. That's the tail?

A. Yes, sir, that seems familiar.

Q. Well, so you see that in these aircraft this day, you already picked up one of the 176th.

A. One of the units had the underside of the tail cone painted, but I don't see any of those in here.

Q. Yes. Now, what happened to the other one we had? Is this 127? Oh this is the one that had the Dolphin?

A. Yes, sir.

Q. Yes. Here is this same aircraft, you see, in P-124 and what's that, 123?

A. Yes, sir. I couldn't identify them as being any particular unit.

Q. All right. Fine. Here's another picture, Exhibit P-26C, which is also taken at LZ Dottie.

A. There are some white markings on the nose of three of them, but I can't make out any insignia and couldn't identify the aircraft.

Q. I have here another lift. This is taken en route to the LZ. Did you get the number of that?

A. This is 27C.

Q. P-27 Charlie.

A. Well the first is, of course, distinctive because it doesn't have a stripe, but I have no way for

further identifying it. It doesn't appear that the second one has a stripe on it either. It looks like its tail is clean. But I see something on the nose of the second aircraft in the picture that I assume is an insignia because I doubt if we would be getting a glare from that portion of the aircraft, but I can't identify it.

Q. Yes. All right.

LTC PATTERSON: Do all of the aircraft in the 14th Battalion have stripes on their tails?

A. No, not all of them because they were continually, you know, replacing aircraft and getting in new ones. Sometime that aircraft had to go out and they didn't paint it, and you might see aircraft without them for some time. But they tried, generally, to paint them as soon as they had the chance.

IO: I have here another photo which has been entered into the record as Exhibit P-65.

A. Yes, sir. The first aircraft is definitely a dolphin. And it appears that the second one is a rattler aircraft from the looks of it. And I can't make out the third one to give any idea what that was, sir.

Q. Well, do you notice any tail markings on those aircraft?

A. No, sir.

Q. I have here another exhibit, P-29 Charlie.

A. I can tell that one aircraft again is a rattler aircraft, the last aircraft in the picture. Sir, on the first picture here, I can't tell, I can't really make out what it is, because it's so dark in front. I see something there. I assume that's a dolphin insignia because they didn't use any white paint. It was a much darker patch than this.

Q. And the second aircraft is the--

A. (Interposing) The second aircraft looks like

a rattler if that, sir.

Q. We have here Exhibits P-11 and P-12, two different people on the inside of that aircraft on photo P-12.

A. The doorgunner appears to have a 1st Aviation Brigade patch on.

Q. Yes.

A. That's what it looks like.

Q. If he did have that aviation patch on, could he have then belonged to the 123d, let's say?

A. No, sir. He should have had a division patch on.

Q. Right.

A. Either one in the 14th Aviation Battalion or the 1st Aviation Brigade patch.

Q. Right. But this therefore could have been from the 174th or could have been the 71st or could have been the 176th.

A. Yes, sir, it could have been.

LTC PATTERSON: Could it have been a medical service company helicopter?

A. No, I don't think so.

Q. Why?

A. Well, I mean you've got guns on the ship.

Q. And medical service company helicopters did not carry guns?

A. Right.

Q. What else does a medical service company helicopter have that's very distinctive?

A. Well, it's got the red cross on the aircraft.

Q. Is it on the side as well as the front?

A. I'm trying to think just exactly where it is. I really can't remember just exactly where the cross is.

IO: It's easily identifiable though, isn't it?

A. Oh, yes, sir. I mean I could have seen it and it would have been--if it wasn't in this picture, it would have been in this one.

LTC PATTERSON: So then through deduction you've assumed that it's one of the unit's aircraft of the 14th Aviation Battalion?

A. Yes, sir.

Q. Is there any way that you can identify which unit from what you see there?

A. I think that many of the units, or some of the units didn't carry the doors on the aircraft. The doors on the aircraft might mean something, and again it might not, on this particular aircraft this particular day. But generally you can tell them apart by the doors they had.

Q. Right.

A. One company, I believe it was one of the 14th, didn't even have the front door on.

Q. All right. Which companies carried the doors, and which didn't?

A. I really don't remember, sir.

Q. Now, would you say that that's the command and control ship, this aircraft?

A. Yes. It could be, but usually if it was a command and control aircraft, there would be more people in the aircraft and you would see them. They wouldn't be these people because they wouldn't be in this much combat gear.

Q. What about the radio cords?

A. Let's see. Now this was standard. You had one for the left gunner and one for the right gunner and an extra one for your--

Q. Is there more than one radio cord there?

A. I see it looks like three radio cords.

Q. As you've indicated, the small doors and the sliding doors are both on that machine.

A. Yes, sir. We had a problem many times with the aircraft in the fact that some of them did not have the right amount of commo cords. We didn't have the fifth cord in there from time to time. So we were usually real careful.

Q. I'd like for you now to refer back to photograph P-29 Charlie and tell me if the aircraft of the two different units there have the small doors and the sliding doors.

A. Well the lead aircraft has the sliding door and the smaller door.

Q. And what unit is that aircraft from?

A. Well that is what I assumed belonged to the 174th. It looks very much like a dolphin on the nose.

Q. The second aircraft?

A. The second aircraft is a rattler, and it does not have the small door on it. I can't really tell if there's a sliding door from this angle.

Q. Photograph P-65 that you looked at earlier. Anything about the lead aircraft there?

A. Well, the lead aircraft has the small door on the cargo compartment. It doesn't appear to have the main door on it, the sliding door, but I'd have to take a look at another aircraft that did to be able to tell, but I would assume that it would stick out a little more there toward the back of the picture.

Q. Can you tell anything about what you've identified to be the rattler aircraft as far as the small doors are concerned?

A. It appears that it does not have a small door.

Q. Okay. Is there anything else or any other means of identification that you can use with that photograph P-11 or P-12? Can you indicate what model helicopter it is, for instance?

A. I can tell it's a Delta or an H model, but I really can't tell.

Q. It's on a gunship--

A. (Interposing) No, sir.

Q. B model or a C model?

A. A C model or a B model.

Q. So it would be fair to assume this is a lift ship of some sort. As I understand it, you were the brigade aviation officer.

A. Yes, sir.

Q. How many aircraft did you have assigned to brigade aviation section March 1968?

A. I think I had six. I think I had two Hueys and four H-23's, but it varied up and down considerably, and I would have to be changing.

Q. Well what missions did you usually fly with your Hueys?

A. Command and control.

Q. For whom?

A. For the brigade commander, first General LIPSCOMB, then Colonel HENDERSON, on down, when we had two Hueys and

both of them were maintenance ready. We flew brigade type missions with the other aircraft. That is, we had a shuttle run that we took brigade people up to division and back. We made resupply with it. We did not normally put it in with the 174th lift, but on occasion we did provide an aircraft for them.

Q. Sir, we have reason to believe that on 16 March, Colonel HENDERSON, the new brigade commander, was flying in an aircraft that belonged to the 174th.

A. Yes, sir.

Q. Can you tell us why this would be the case?

A. We only had one of our Hueys in what was considered to be good enough shape for the brigade commander to fly in. Whenever that aircraft was down for one reason or another, instead of flying him in our other aircraft, which was pretty much of a "dog" and considerably under-powered, we would borrow a newer aircraft from the 174th.

Q. I see.

A. For that purpose and that period of time we would install a portable command and control set in it. Then when the colonel's ship was back up, we'd take that little portable radio out and bring back the good Huey that had the permanent command and control console.

Q. Now this period of time on 15 March is when General LIPSCOMB departed the brigade.

A. I'm not sure. I know he departed between the 13th and the 18th, but I don't know the exact date.

IO: Well, one thing that should be brought out here is the fact that Major SMITH was not there between the 13th until sometime on the 18th.

LTC PATTERSON: I'd like to show you a report, Exhibit R-3 entitled "OPREP 5." Do you know what an OPREP 5 is?

A. Yes, sir.

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Q. What is it?

A. It was report that we sent in on the condition of our aircraft. It was a daily, and a weekly, and a monthly report.

Q. Yes, did you send it from brigade?

A. Yes, sir.

Q. To whom?

A. To division, sir.

Q. To division?

A. Yes, sir.

Q. Where in division did this report go?

A. We called it in to the division aviation people.

Q. I see. Do you remember who was the officer to whom you phoned this in to?

A. We usually phoned it in to one of the enlisted men there. Major RECTOR was the assistant division aviation officer, and he was usually on the scene.

Q. You phoned it in, you indicated?

A. Yes, sir.

Q. Was there any formal written report?

A. We phoned in our daily report and we kept track of it. Of course we had copies of it. I assume we sent in a report, but I really don't remember the frequency of it, sir.

Q. You don't remember whether or not you had to write it out and transmit it in a physical nature to the division aviation office?

A. I'm almost sure we did, but I don't remember

the procedure.

Q. Well, did you maintain records as far as your brigade aviation requirements and aircraft were concerned in a written form at your office?

A. Yes, sir. I maintained records of my aircraft.

Q. Of your aircraft only?

A. Brigade aviation aircraft, yes, sir.

Q. I see. On what form?

A. Well, on the form we called in to division each night. We made a copy, and from this copy we called it in to division.

Q. And was that indeed the OPREP form?

A. I think it was, sir.

Q. Exhibit R-3 is OPREP 5 report from the 174th Aviation Company for 16 March 1968. Format wise, does that report look familiar to you? As far as the type of information that's on that form?

A. Yes, sir.

Q. Is this generally the same type of form that you used or recall using?

A. Yes, sir. It's the same information that we sent forward.

Q. Were your forms locally reproduced, such as this one? Or did you fill out the formal OPREP 5?

A. I believe that they were locally reproduced, sir, but I'm once again not sure. I didn't send these reports in. Since I was usually in the TOC during all this period of time, these reports were sent in from the aviation section which was located at a considerable distance from the TOC. And they were phoned in from that office. So I didn't get into the physical reporting myself.

Q. Well this report provides a great deal of information concerning an aviation company's or unit's status.

A. Yes, sir.

Q. Can you tell me, for instance, the missions that were flown by this unit, the 174th, on this day, according to Exhibit R-3?

A. Yes, sir.

Q. What were they please?

A. Well first they had a combat assault for Task Force Barker with two Charlie models, which were the gunships and nine D models. It's a mission type. I can't make it out. It was for the 11th, and it was two gunships. They flew 13 plus hours, which was a considerable mission. If this was the 13th. They were flying surveillance, I would assume, flying in support of the 11th Brigade gunships, which would be flying over the area after the combat assault. It would be normal for them to stay on station. So I assume the first two are. This is a command and control ship. Up here in the corner it says Task Force Barker. It also flew for the 4/3, for the 3/1, and the 1/20, and it looks like for 11 here. I don't know whether that would be 11th Artillery or 11th Brigade. This was five aircraft. It carried 49 troops. More ammunition was expended, on the report.

Q. All right. Are there a considerable number of other missions on there?

A. Considerable, yes, sir.

Q. And the aircraft, by type, in column C of this particular exhibit, indicates nine aircraft on the combat assault, is that correct?

A. Yes, sir.

Q. And as you've indicated five C&C.

A. Yes, sir.

Q. Four cargo?

A. Yes, sir.

Q. Four more C&C.

A. Yes, sir.

Q. One cargo.

A. Yes, sir.

Q. Okay. How many aircraft were operationally ready to the 174th on this date?

A. That'd be twelve slicks and three gunships, I believe, sir.

Q. Twelve slicks and three guns?

A. Yes, sir.

Q. Well, where we total up the total aircraft requirements there, as indicated on that sheet, we'd have considerably more than twelve.

A. Yes, sir.

Q. How do you explain this?

A. Well, of course the combat assault was not taking very much time. And after the combat assault was finished, these helicopters were spread out to perform other missions for the brigade for the rest of the day. So I believe there's a duplication there. The same ships that are located here are also the same ones that are down here.

Q. And what about the ammunition expenditure?

A. The figure looks to be 13,500 rounds of 7.62, and only 35 rockets. And on the armed surveillance mission down here it was 3,800 rounds of 7.62 and 12 2.75 rockets.

Q. As an opinion, is this a normal expenditure for a day of flying in that number of missions and by type?

A. It seems it's a lot of ammunition, but without

knowing what exactly happened, I really couldn't make a comment of whether it was high or not. We put considerable hours on the aircraft.

Q. How many hours were flown by the gunships in support of the combat assaults of Task Force Barker?

A. The gunships flew 4.4 hours for the combat assault. And here, which I assume is for the same mission, they flew 13.5, which is 17.9 hours total.

Q. You assume that's for the same mission.

A. I assume it is. Well, let's take the first entry first. 4.4, sir.

Q. 4.4. Is that total time for the gunships, or is that per gunship?

A. That's the total time for the two gunships.

Q. And I believe you indicated both gunships or each gunship flew about half of that time, 2.2?

A. That's what would be expected.

Q. I see. Okay. Now, reference the second entry, this 13.5 hours. Why do you suppose the gunship mission as indicated there indicated support of the 11th Brigade as opposed to Task Force Barker?

A. I don't know. One reason could be that it was an operation with more than Task Force Barker involved and the gunships were supporting more than one subunit. Therefore they made it the larger unit, the 11th Brigade.

Q. So then we can't assume then that this 13.5 hours is in support of Task Force Barker per se?

A. No, sir.

Q. And you look at the next mission entry. You see Task Force Barker mentioned there?

A. It says, off to the left, "Task Force Barker."  
Yes, sir.

Q. So you would assume then, that that part of the mission was flown for Task Force Barker?

A. Yes, sir.

Q. And what was that mission?

A. Well, it says they lifted some troops. They lifted 45 troops with five aircraft, and since there's more than one unit involved, it appears that they either made some sort of a combat assault or an extraction, or they moved people around in the battlefield later in the day.

Q. In support of Task Force Barker?

A. In support of Task Force Barker, yes, sir.

Q. Are there any other entries there that we can relate directly to Task Force Barker?

A. Well, we moved 101 troops here, later in the day. And I don't know that you could relate that to Task Force Barker, but based upon knowledge and experience, this might be picking up some of the people of Task Force Barker and moving them around, because normally we didn't run two major operations in one day.

Q. But it could also have been in support of some other unit?

A. It could very well have been just an extraction for some other unit later in the day. This was also common.

Q. Is there any other pertinent information on this exhibit that could relate to Task Force Barker?

A. Well, they've got pickup zone and landing zone down here at the bottom. The coordinates can give you some information.

Q. Are they in numerical coordinates?

A. No, sir, they're encoded.

Q. Did you have any direct relation from your office

or your position with the 14th Aviation Battalion?

A. Not as a normal rule. I did not. I coordinated with the 14th Aviation Battalion on large combat assaults when I got permission from division aviation. But normally I did not work with the 14th.

Q. I understand then that the missions in support of the 11th Brigade were funneled through you to the division aviation office.

A. Yes, sir.

Q. Who then tasked the 14th Aviation Battalion to furnish the required support?

A. Yes, sir. The situation changed. When we first got there we were getting our support solely from the 174th, and they were in support of us as an entity, and we got their assets on a daily basis. Later on the situation changed where we did not have a direct tie to what the 174th had, but we were allocated from division, and it changed there.

Q. We have not been very successful in locating the records of the brigade aviation section or the 123d Aviation Battalion. Do you happen to know whether or not your records in the brigade aviation section were under the functional files system per se?

A. In preparation for inspections over there, we had our files redone. We had a functional file system going, but I don't recall seeing the records and insuring that they were in that order.

Q. During your period of duty as brigade aviation officer, do you recall retiring any of your records?

A. No, sir.

Q. Do you have any knowledge that they had been or were retired prior to or after your duties as brigade aviation officer?

A. No, sir. If I can add something here, we lost a certain amount of our records, both our administrative records

and our aircraft records, in a mortar attack that completely destroyed our supply tent and our area where we filled out all of our log books, all of our aircraft maintenance forms. All of our records were destroyed there in the fire.

Q. Did you maintain any records that you can recall concerning who flew in support of you, the brigade, on any given day?

A. No, sir. It changed frequently during the day.  
No.

Q. Do you recall filling out or completing and maintaining any records that would indicate the crews or the personnel that were assigned in support of you for any given operations or dates?

A. No, sir. We usually didn't know who the crews or personnel were. We got total aircraft quantity, and we dealt with one person, and didn't know usually the tail numbers of the aircraft even.

Q. Were you familiar with Mr. COONEY?

A. Yes, sir.

Q. Did he fly C&C on many occasions?

A. He did.

Q. Did he usually have the same crew?

A. Yes, sir, I think he did. I think he did.

Q. Did he usually have the same aircraft?

A. Yes, sir. I think so.

Q. This was a special aircraft?

A. It was just one of their better aircraft. It wasn't a special aircraft. It was just one of their better, newer aircraft.

Q. Did they have any special markings on this air-

craft, for the brigade commander?

A. No, sir.

Q. Can you offer any suggestions to us as to where we might find records of the brigade commander?

A. No, sir.

Q. Do you remember the crew that Mr. COONEY used to fly with on a normal basis? Do you recall any of their names?

A. No, sir. I don't. He quite often had a different copilot with him.

Q. It would seem that the enlisted crew would be pretty sharp young men for the brigade commander?

A. That was not necessarily so, sir.

Q. It was not? Were they not selected for appearance, some pretty sharp young soldiers?

A. They were adequate, sir, but I don't remember them--

Q. (Interposing) You don't recall their names or anything about them?

A. No, sir.

Q. Do you recall Mr. COONEY getting the Distinguished Flying Cross for an action earlier, on 16 March?

A. Mr. COONEY, I believe got a DFC while he was flying command and control for Colonel HENDERSON.

Q. Well, yes, this was some time later though, was it not?

A. I'm not sure of the date, sir. I remember the incident, but I don't remember the specific incident or the date.

Do you recall, was the award action handled by the 14th Aviation Battalion, or was it initiated at brigade?

A. I don't know who initiated the action, sir.

IO: Well, I think you can see from our line of questioning what we're trying to do is pin down who was flying these various aircraft. Specifically I want to try to figure out who was flying that medevac aircraft that you saw in that one picture.

A. Yes, sir.

Q. And if any of this comes to mind, based upon what we've indicated to you today, we'd like you to get in touch with us. In addition, if you can think of any records which would provide this kind of information, we would like to know about that too, or any other documentation which would be of assistance to us. At this opportunity I'll give you a chance, Major SMITH, to ask any questions that you would like to address to us. Or if you would like to be able to enter a statement into the record.

A. No, sir, I have nothing further to say.

IO: The hearing will recess at this time.

(The hearing recessed at 1714 hours, 30 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: STANSEL, Donald L. SSG

DATE OF TESTIMONY: 26 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Special Services NCO, S1, 11th Brigade (formerly assigned to the 11th Brigade PIO from July 1967 to February 1968).

The witness recalled an SOP in the 31st PIO Detachment which required a work order on photographic film to be turned in to the NCO for each assignment (pgs. 3, 5). This procedure was not normally used while he was in that section in Vietnam (pg. 4). Personal film would not have to be turned in, depending on the orders for the particular assignment (pg. 6). He did not recall if Sergeant STONICH told the photographers not to bring back photography degrading to the Army (pgs. 7, 8). He had not been so instructed (pg. 8). Both black and white and color film was issued to the four photographers in the unit (pg. 9), but he did not know how it could be determined whether HAEBERLE used government color film (pg. 10). The witness stated that if pictures of a large number of women and children came across his desk he would question them and if told they were massacred, he stated that he thought they should have been destroyed (pg. 10) or turned in to proper authorities (pgs. 11, 12). The witness never discussed the operations of 16 March with ROBERTS or HAEBERLE (pg. 13), nor did he hear any rumors about it (pg. 14).

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(The hearing was reconvened at 0953 hours, 26 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named person are present: COL WILSON, MR WALSH, LTC NOLL, and MAJ THOMAS.

The first witness is Staff Sergeant Donald R. STANSEL.

(SSG STANSEL was called as a witness, was sworn, and testified as follows:)

Will you please state your full name, grade, and Social Security account number?

A. Donald R. STANSEL, service number, I'm a staff sergeant, E-6.

RCDR: State your branch of service, organization, and duty station.

A. U.S. Army; Company C, 141st Signal Battalion, Fort Hood, Texas.

COL WILSON: Sergeant, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining certain facts and making findings and recommendations concerning:

(1) the adequacy of prior investigations into what is now commonly referred to as the My Lai (4) incident of 16 March 1968, and,

(2) possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning the incident.

In other words, there are two matters. One is investigation, previous investigations or inquiries; the other one is the suppression of information.

This investigation is not being conducted to look into all the facts and circumstances of what happened at My

Lai. This investigation is being conducted for those specific purposes which I have just mentioned, those three.

Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes being taken by the reporter.

The general classification of our report will be confidential, but it is possible that the report will become a matter of public knowledge.

General PEERS has three interview teams. This is Interview Team C. He has designated this team to interview witnesses to be called here to Washington to his board.

The members of this team are myself; Mr. WALSH on my right, a civilian attorney who has volunteered his services to the Secretary of the Army to assist General PEERS; and Colonel NOLL on my left. We are members of the board. We have the authority to question you. Other members of the board may come in, to include General PEERS. If so, they may ask you questions. If there is any question in your mind as to whether anybody has the authority to question you, just let me know and I'll so inform you.

Do you have any questions on what I have said?

A. No, sir.

Q. Is anything wrong with your eye?

A. No, sir.

Q. What was your assignment on March 16, 1968?

A. At that particular time, sir, I was assigned to the S1 section with the duty of special services NCO. I was operating the PX in the brigade area at Duc Pho.

Q. Were you associated in any way with the public information office?

A. Yes, sir. Prior to that time I was. I was transferred, I believe around the end of February from the information office and put in the S1 section for the purpose of running the PX.

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Q. Were you still carried on the roster and the morning report as being in the job in the PIO section?

A. This is possible. I don't have any way of knowing.

Q. How long had you been with the PIO section?

A. Since, I believe, it was September. I believe it was June or July of 1967.

Q. To February of 1968?

A. Yes, sir.

Q. Did you ever go back to that section?

A. Well, now, in going back, do you mean did I go through the area or did I go back to being reassigned?

Q. Were you reassigned?

A. No, sir.

Q. Who was your immediate superior when you were in that section?

A. John STONICH.

Q. You were assigned to the brigade and not the information detachment?

A. I believe so. I was assigned to Headquarters and Headquarters Company, 11th Brigade, and other members were assigned to the 31st PID is the way it went, I believe.

Q. Do you recall an SOP or any specific documents within the brigade headquarters which directed the disposition of photographs taken by photographers assigned to the information detachment?

A. Not that I can identify by any number or whether it was a brigade regulation or anything of that nature, but when a photographic assignment was made, a work order should have been turned over to the NCO.

Q. Now, a photographic film is placed on a work order. Let's take a situation where we are sending a photographer to a company or a battalion or on an operation or parade or anything.

A. Yes, sir.

Q. Is the film issued to him at that time placed on a work order?

A. In a normal photographic facility, yes, sir. In the case of PIO, many times the way it goes is no work order. You just go with film and you come back with film.

Q. So, the question of a work order--

A. (Interposing) You may have it or you may not when it comes to PIO work, because a lot of times you are stressed for time. In some PIO offices, the photographic work orders are almost an unknown thing.

Q. What about the situation in the 11th Brigade PIO office? Was there a procedure normally used or not used?

A. At that time I was there, no, sir. Now, actually the only time that I did much in it as far as the photography went was back in Schofield. There we were working in close with the STRATCOM photo facilities at Schofield Barracks. The jobs that were shot in the garrison were processed by either myself or one of the photographers there down in this particular photo facility. We did sign a work order for material used from this photo facility to give them proper justification for the film and supplies that we used from this facility. Like I say, as far as a work order on PIO work, we just didn't have any. I'm not sure whether a log was maintained there or not. In Schofield, yes, we had a log on which we maintained photographic assignments.

Q. You were in a more administrative, peacetime installation at Schofield than in the situation in Vietnam?

A. Yes, sir. When I got to Vietnam I didn't actually-- didn't take part in much duty at all in the PIO section. The first few weeks we were there we were in one location and there was not too much photography done at all at that time.

When we moved over to the base camp there in Duc Pho, at that time I started proceeding to ready the place for the PX there, and I had nothing else to do with the PIO office until the time that I left, through the time that I left.

Q. Would this procedure of logging out unprocessed film, to a photographer who may have been assigned to either the detachment or the brigade, have been done at brigade or at the PIO detachment?

A. It would have been done in the PIO detachment. Now, I don't know whether it was done in Vietnam that way or not in this particular detachment.

Q. You didn't keep the film at brigade level. The film was kept at the detachment level?

A. Yes. Are you talking about in dispensing it to the photographer?

Q. Yes.

A. If there was a record kept, it would have been in the 31st PIO Detachment.

Q. That would have been a work-order type record?

A. It could have been, or a regular log in a normal record logbook, the long, green type logbook.

Q. Strictly an informal file?

(Witness nods head in the affirmative.)

Q. Do you have any knowledge of any instructions which were given to photographers of their responsibility as regards government film?

A. Well, not exactly over there. All I know is that, like I said before, film should be turned back in any time you used government film. It should be turned back in through government authorities. There again, people always have their personal cameras and personal film in Vietnam. Now, somewhere along the line it can be possible that the two are mixed in with each other. It's kind of hard to determine.

Q. Yes, I understand the question in your mind about this. This brings up the next question. If a photographer, a photographer who has an MOS as a photographer goes on an assigned mission and uses his personal camera on that mission, whose film is that?

A. If he uses his personal camera?

Q. Yes.

A. That has nothing to do with it, sir. It's whether he has his personal film or not. If he has his personal film, it's his. If he uses a government film in a personal camera, it's the government's film.

Q. Regardless of what film it is, if a photographer is photographing on an assigned mission, a military Army photographer performing during his duty hours, photographing various activities, if he uses his own film then that film is his, is that correct?

A. There again, I would say that would go back to the nature of the assignment and what his orders were before he left on this assignment.

Q. As far as you know, there is nothing cut and dry to this. There is nothing that you ever ran into in an SOP or Army special regulations regarding this?

A. To the best of my knowledge, no, sir, nothing that I have actually been concerned with. Now, whenever I went in a facility, I had my own little policies. But there, the only time that I used personal film or personal cameras also or any other thing in conjunction with government work is for training of new photographers and whatnot.

Q. You said that you processed some film at various times?

A. Yes, but this was in Schofield Barracks.

Q. Had you attended service schools for photographic work?

A. No, sir.

Q. Did you ever hear Sergeant STONICH brief any of the photographers on the disposition of film and the use of personal cameras.

A. Well, I know they were briefed. Now, exactly what the contents of the briefing was, I don't know. This is in conjunction with--I know what some of the policies were in Schofield, because I more or less had control of it there. But I'm not aware of the exact contents of the briefing in Vietnam.

Q. Have you ever heard any briefing on not forwarding photographs which would tend to degrade the Army?

A. Now, are you referring again to a briefing by Sergeant STONICH?

Q. Sergeant STONICH or anybody else?

A. I most certainly have, sir. In fact, as far as I am concerned, any material that is intended to be released must be cleared. There are very few photographers, and I'm sure that all of mine did.

Q. No, maybe my question should have been were any of the photographers that you know of ever told they were not to bring back photography that would tend to degrade the Army?

A. I don't recall, sir.

Q. Were you ever told or were any of the photographers ever told what the procedure was for reporting photographic evidence which would tend to be of a criminal nature?

A. Yes, sir. Now, it's been quite some time ago. Would you go over that one more time, sir.

Q. I'm trying to determine whether there was any briefing or training or statements made to the members of the 31st or to the 11th Brigade information office which outlined the procedure or methods of reporting photographic works or photographic evidence which may show an illegal or criminal action?

A. I don't know, sir. I certainly--not before we left Schofield Barracks, I'm not sure it was not. Not in conjunction with Vietnam, anyway.

Q. Did you ever hear Sergeant STONICH tell any photographer to destroy or not use photographs because they were not favorable to the Army?

A. I didn't hear him. I don't know whether he did or not, but I never heard him, no, sir.

Q. Did you ever hear anyone?

A. Yes, sir.

Q. Who?,

A. In the brigade, no, sir, I don't recall.

Q. Where did you hear it?

A. I have heard--let's see. On my first tour in Vietnam with a radar team, we were instructed there that we should not take any photographs of anything that would be degrading. In fact, I was stationed on an airfield, and we were to take no photographs depicting anything on the airfield or anything that may give anything away to anybody. The whole thing was not supposed to be photographed.

Q. I'm not talking about security. I'm talking about incidents which have nothing to do with national security, but criminal or possible criminal acts, acts which tend to be against the rules of land warfare.

A. No, sir. I don't recall any.

Q. Was it normal procedure for the photographers in the PIO detachment to take their personal cameras in lieu of or in addition to the military cameras issued to them?

A. They could have, sir. Every third soldier you see has one.

Q. I want to differentiate the position of a soldier from a military photographer who was assigned that duty, and go back to the question. As I understand that, there were a

number of photographers in that detachment and a number of cameras in the detachment. I was wondering whether it was normal for the photographer to take a military camera in addition, or personal camera in addition to or in lieu of a military camera?

A. Yes.

Q. On various activities?

A. Yes, sir.

Q. Do you recall how many cameras were in the detachment?

A. Assigned cameras?

Q. Yes.

A. I'm not sure of this number, sir. I think there was one 4x5 Speedgraphic camera, and I could be very wrong on this number, and there were two Leica M-3's.

Q. How many photographers were assigned at the time you departed for your new job?

A. I believe there was either one or--let's see, I believe there were four of them, sir.

Q. In February?

A. Yes, sir.

Q. At the time you were there, what type of film was being issued for the 35-millimeter Leica. I mean the exposure to the roll and whether it was black and white?

A. I believe they were both, they were both that were being issued. I believe it was 20-20 exposurable roll, I'm not sure.

Q. You mean black and white and color were being issued?

A. Yes, sir.

Q. Well, from your knowledge of procedures, photographic procedures and information procedures, how do you suppose we could ever determine whether the film--I suppose you are acquainted with Mr. HAEBERLE?

A. Yes, sir.

Q. Were the films that he used, his personal films or the films belonging to the military?

A. I don't know how that could be determined, sir. There are emulsion numbers. However, the emulsion numbers are by lot, so they come from Kodak. A facility like PIO would not receive a whole lot of film. By lot I don't mean quantity, I mean the manufacturer's lot with one lot number on it. This lot number, however, would appear on the exposed film. The exposed number is what it is. I don't know whether it's by the lot, or whether the government gets some of a lot and commercial activities would get another portion of that lot. I don't know, but that would be my best estimate of the only actual way to actually prove it. I don't know if you really could that way or not.

Q. Sergeant, if you had been in a position of reviewing, and if these had been military films and they would have come across your desk, and you would have seen a large number of photographs showing a large number of women and children killed along a road which were taken by a photographer, would you tend to ask questions about this?

A. Yes, sir, I believe I would.

Q. Suppose the questioning determined that allegedly the photographer stated they were massacred. What would you have done with that?

A. I would have taken those into my own possession or I would have destroyed them or taken them to a facility to be destroyed or to be disbursed, or in whatever manner somebody higher than myself--whatever way it was necessary. Now, my own personal view of it, I think they should have been destroyed. That is no official statement, that I think they should be destroyed. But personally, in my own position, I wouldn't discredit my own career field. Now, I don't think that all of these photographs, I don't think they all

should have been destroyed, but I think they should have been turned over to the proper authorities.

Q. What you said about destroying the photographs is actually suppression of information which is definitely against anything that you should have been trained in. Perhaps that is the reason Mr. HAEBERLE didn't tend to use those photographs or show his photographs to the PIO detachment, if that was the common procedure around there for taking care of this type of photography.

A. I didn't say that was common procedure around there, sir. I said I would have either destroyed them or turned them over to proper authorities for determination whether they should be destroyed or not. I didn't believe that all photographs should be destroyed, and I didn't think that all photographs of a criminal nature should be destroyed. Because like you said, it is a suppression of information, but I certainly don't think it should stay in the hands of a photographer either.

Q. Do I understand that to mean when you leave the service or what? I'm speaking of--maybe I didn't make my questions clear. I'm speaking of processing photographs which you may develop or which may have been developed by one of your subordinates, and those photographs that come before you as a military photographer. We are not talking about something that the man has in his personal camera.

A. Yes, sir.

Q. Coming before you is a military photograph where you have something that appears to be a crime in the photograph, I again ask the question, what would be your reaction to this photograph? What would you do with it?

A. I would have forwarded it under a transmittal sheet to DA records.

Q. To where?

A. That is, if I was in a position like I'm in right now with a photographic facility, that is what I would have done. Now, in an information office I would have done the same thing. I don't know exactly the exact channels you take from a PIO office to do this.

Q. What about your seniors? Are you going to bypass them?

A. No, sir.

Q. Are you going to show it to them or--

A. (Interposing) Like I said before, sir, it should have been turned in through channels to where it belongs.

Q. What about bypassing channels?

A. I'm not a very firm believer in bypassing too many channels, sir.

MR WALSH: Did you ever go into the PIO office after you were transferred out of there?

A. Yes, sir, on several occasions, just passing through.

Q. Do you remember seeing HAEBERLE's pictures taken on the March 16th operation?

A. No, sir. In fact, I didn't know the operation took place, sir.

Q. Do you know who would have developed those pictures?

A. No, sir.

Q. You indicated there was government issue of color film at that time. Do you know if there were facilities at the 11th Brigade for development?

A. No, sir. There was not.

Q. What would be the purpose of issued, color film if they could not develop it?

A. Well, on this I haven't the slightest idea. There again, whenever I was there, just at the time I left, they put up a small darkroom outside of the public information room where film was processed. Whether they were ever able to

control the temperature out there to process color film, I don't know, sir.

Q. Did you know Specialist ROBERTS?

A. Yes, sir.

Q. Was he in the PIO shop about that time?

A. Yes, sir.

Q. Did you ever have a talk with him about Task Force Barker operations on 16 March?

A. No, sir.

Q. How about HAEBERLE, did you ever have a talk with him about that?

A. No, sir. No talk. As a matter of fact, the only way that I can relate him to this particular situation is whenever I read it in Life Magazine. Well, take that back too. I heard HAEBERLE's name mentioned a week before it came out in Life magazine.

Q. At that time, you had absolutely no information of, you heard no suggestion that anything unusual had taken place in Task Force Barker on 16 March?

A. No, sir. As you probably know, there are many statements and many, many phrases emitted from the old, oral tongue, but just you might say, rumors. As far as actually having sat down and saying that, well, such and such, no, sir, not to any--not to any extent as seems to be going on now.

Q. What were the rumors that you heard?

A. Now, the rumors, I could not say for sure they were related to this particular incident or not, sir. But sometimes you hear soldiers come in and say that somebody made a mistake and hit somebody else or hit somebody they didn't mean to shoot. But as far as a verbatim statement, I couldn't give you a verbatim statement. It's been quite a while ago, and I couldn't give you any kind of a verbatim statement of a rumor.

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Q. Do you remember any rumors that you heard related to Task Force Barker operations on 16 March?

A. No, sir. No, sir.

Q. Did you ever hear an investigation was being conducted by higher headquarters with respect to Task Force Barker at any time?

A. No, sir.

Q. Do you have any knowledge or information that may be helpful to this investigation that we have not asked you about?

A. No, sir.

COL WILSON: Sergeant STANSEL, you are ordered not to discuss this testimony with others, including other witnesses that may appear before this board, except in the performance of official duty or as you may be required to do before a competent judicial, legislative, or administrative body. Do you have any questions on that?

A. No, sir. Well, you might explain that?

Q. You are not to discuss the questions and answers and the discussion or the testimony that you have given before this board with anyone except if you are called before another board, administrative board or a court-martial, as a witness, or before a legislative committee which is a subcommittee of the House Armed Services Committee. In that case, that instruction does not apply. But as far as discussing it with the public or with your commanding officer or with other members that may testify or have testified before this board, the press or anything like that, you are ordered not to. In other words, if you are called before a competent board then this instruction does not apply. Is that instruction clear?

A. Yes, sir.

COL WILSON: The hearing will be recessed.

(The hearing recessed at 1034 hours, 26 January 1970.)

(STANSEL)

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APP T-241

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SUMMARY OF TESTIMONY

WITNESS: STONICH, John SFC

DATE OF TESTIMONY: 20 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: NCOIC, Public Information Office, 11th Infantry Brigade.

1. ORGANIZATION AND PROCEDURES OF THE PIO OFFICE.

a. The 31st Public Information Detachment was attached to Sergeant First Class STONICH's section. Lieutenant MOODY was the officer in charge. There were two other officers, five photographers and six journalists assigned to the office (pgs. 2, 3). The Americal Division had no direct supervisory control over their work. They were responsible to the brigade commander and were directly responsible to the brigade S1 (pg. 26).

b. Normally, MOODY evaluated the photographs and news articles to determine their potential news value and whether they should be distributed (pg. 27). A nightly report was made to division by one of the three officers. It was called in to the division office to inform the division information officer of the 11th Brigade's activities for the day. The information was gathered by their officer representative at the brigade's evening briefing. This report was a matter of record. Specialist FORD kept a file on the reports (pgs. 13, 14, 50).

c. STONICH never instructed his photographers not to take pictures of subject matter that would not be released although only favorable items were normally released (pg.42). The photographers were pretty much on their own as to the subject matter of a particular operation to be shot (pg. 28). Normally, the information officer saw the photographs after they were processed (pg. 15).

## 2. PIO PARTICIPATION IN TASK FORCE BARKER.

### a. Personnel assigned.

MOODY told STONICH to get a team of a photographer and a news writer together for the operation on 16 March (pg. 4). Specialist Five ROBERTS and Sergeant HAEBERLE volunteered for the mission probably because the section had not had any opportunity to do combat news reporting (pg. 9). They were senior and were the best qualified. HAEBERLE was the photographer and ROBERTS was the reporter (pgs. 8, 24). STONICH had no idea of the operation's size (pg. 10).

### b. Use of personal cameras.

The photographers frequently used their personal cameras because of insufficient TOE allocation of cameras to the section (pg. 4). The film was issued and was to be turned in (pg. 46). Pictures taken on official missions belonged to the Army. There was a written SOP, but STONICH did not know if it covered use of personal cameras. The SOP should be in the 11th Brigade's S1 office (pg.56). However, STONICH was sure that he had informed HAEBERLE that pictures taken on an Army mission belonged to the Army (pgs. 53-55).

### c. Film issue.

Cameramen were normally given film for 60 exposures. The 35 mm film could be used with the Leica camera and with the correspondent's personal camera (pg. 7). They had colored film but they did not have the same capability to develop it as they had with black and white film (pg.12). Colored exposures had to be sent to an Army lab in Hawaii for processing (pg. 46).

### d. HAEBERLE's photographs of the operation.

(1) STONICH saw some of the black and white pictures HAEBERLE took on 16 March 1968 as he passed through the photo lab (pg. 30). He saw prints, but not the contact sheet (pg. 31). He recalled telling HAEBERLE that a picture of an individual putting a torch to a hootch would not be released (pg. 31). STONICH was positive that Lieutenants REHM and DUNN were also aware of that photo. MOODY was probably aware of it (pg. 42). Ordinarily the witness did not see all of the photographs (pg. 28).

(2) When the witness was informed that the Peers Inquiry suspected that there was a possibility that negatives or prints existed which they had not discovered, STONICH stated he had no idea of their possible whereabouts (pg.64). STONICH did not know who processed the pictures. It could have been done by HAEBERLE himself since he often developed his own (pgs. 11, 12, 58). One of the three officers would normally decide which pictures to develop and print for release. Otherwise there was no requirement that all of the film be developed (pg. 34).

### 3. DISCUSSIONS WITH ROBERTS AND HAEBERLE REGARDING THE OPERATION.

STONICH received no report or complaints from ROBERTS or HAEBERLE regarding the 16 March 1968 operation. He knew nothing about the mission except what he learned in ROBERT'S newspaper account (pg. 37). He did not discuss the operation with ROBERTS even though it involved a big news story (pg. 38). He had no discussion with ROBERTS or anyone else regarding burning of the village or the killing of women and children (pg. 39). STONICH could not recall ROBERTS appearing upset when he returned from the operation (pg. 44).

### 4. PIC NEWS COVERAGE OF THE OPERATION.

ROBERTS' story of the 16 March operation appeared in the Americal News Sheet on 17 March and in the 11th Brigade's TRIDENT on 22 March. The two stories were substantially the same (pgs. 45, 50, 51, 52). STONICH knew nothing about the statement in the news release regarding 35-40 enemy arriving in the village on the morning of the assault. The witness could not explain its origin (pg. 50). The 17 March article appearing in the division news sheet was probably flown up by the information officer. STONICH disclaimed knowledge and responsibility for the release (pgs. 52, 53).

### 5. OTHER INFORMATION.

a. STONICH offered the inquiry photographs from his photo album apparently taken by HAEBERLE on the 16 March operation. These were introduced into evidence as Exhibits P-180, P-181, P-182, and P-183. Michael RECKEWEG probably numbered and logged these exhibits (pg. 22).

b. The witness considered the section's exclusive function as news development.

c. His personnel never reported violations of regulations or other criminal activity to STONICH (pg. 40).

d. He was not aware of MACV Directive 20-4.

e. STONICH was unaware that HAEBERLE was collecting a series of films on VC atrocities (pg. 62).

f. The witness was not aware that there was an investigation conducted concerning the 16 March 1968 operation. He was never questioned (pg. 62).

g. STONICH had no knowledge of a marijuana problem within Task Force Barker (pg. 67).

h. Normally, no one from outside their section saw the negatives (pg. 36).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-17	11th Bde TRIDENT, 22 Mar 68	M-17 and M-23 appear as substantially the same coverage of the My Lai (4) operation.	51, 52
M-23	Americal News Sheet, 17 March 1968	Story flown up to division by one of the officers.	45
P-5	Miscellaneous Scene	Witness had seen.	33
P-9	Miscellaneous Scene	Witness had seen.	33
P-15	Miscellaneous Scene	Witness was familiar with.	33
P-23	Miscellaneous Scene	Witness had seen.	34
P-43	Sequential prints of negatives including P-2 thru P-25	Recognized #13a and #14a. Had not seen #1a, #2a or #3a.	23, 32
P-59	Photo of My Lai operation	Wit had seen.	36
P-68	Photo of My Lai operation	Had seen individual in PIO office.	39
P-69	Photo of My Lai operation	Identified with one of his personal photographs.	36
P-70	Photo of My Lai operation	Witness had seen.	31

(The hearing reconvened at 1316 hours, 20 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: MR WALSH, COL WILSON, LTC NOLL, and MAJ THOMAS.

The first witness is SFC John A. STONICH.

(SFC STONICH was called as a witness, was sworn, and testified as follows:)

Please state your name, grade, and Social Security number.

A. Yes, sir. John STONICH. I have no middle initial. Sergeant First Class.

RCDR: State your branch of service, organization, and duty station.

A. U.S. Army, United States Army Recruiting Command, U.S. Army Recruiting Main Station, New Orleans, Louisiana.

COL WILSON: Sergeant, before we proceed with any questions I would like to inform you of several matters.

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the United States Army for the purpose of determining facts and making findings and recommendations concerning:

(1) the adequacy of prior investigations and inquiries into, and subsequent reviews and reports within the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968, and

(2) possible suppression by any person who had a duty to report and furnish information concerning this incident.

One thing is preliminary investigations. Investigations that could have been or were conducted after the operation. The second is the suppression of information. These are the two things we are interested in.

This investigation is not being conducted to investigate all facts and circumstances regarding this incident. It is directed to those two specific purposes which I have just named.

Do you have any questions on this?

A. No, sir.

Q. This is Team C. General PEERS has appointed two other teams to assist him in the interrogation of witnesses. General PEERS may come in at any time, or any member of these other groups may come in at any time and ask you questions. This team has no responsibility for determining findings and making recommendations. This is the responsibility of General PEERS, and his alone.

On my right is Mr. WALSH. Mr. WALSH is a civilian attorney who volunteered his services to the Secretary of the Army to assist General PEERS in this investigation. On my left is Colonel NOLL, who is a member of this board. Both people have the authority to ask you questions.

Do you have any questions so far?

A. No, sir.

Q. What was your duty assignment on 16 March 1968?

A. I was the NCOIC of the 11th Brigade Public Information Office, with the 31st Public Information Detachment attached to us.

Q. You were assigned to the brigade?

A. Yes, sir.

Q. Who did you report to? Who was your--

A. (Interposing) At that time, it was First Lieutenant John MOODY, sir.

Q. Who was your chief?

A. He was my immediate supervisor. We had two other lieutenants in the organization, but they were with the 31st Public Information Detachment.

Q. They had no authority as far as your particular--

A. (Interposing) No, they conducted the operations for the 31st.

Q. And who were the other two officers?

A. First Lieutenant DUNN. At the time, I believe, he was a second lieutenant, and Lieutenant REHM.

Q. Who did you have in the brigade staff section under your supervision?

A. No one, sir. We were only authorized two slots, a lieutenant and myself.

Q. How many people were in the 31st Detachment, which supported 11th Brigade?

A. We had five in the photo section, and six in the 31st Information Detachment as journalists.

Q. May I see your cards?

A. Yes, sir.

(SFC STONICH hands COL WILSON two 3 by 5 cards.)

Q. I want to be sure that the individuals we are referring to were assigned on 16 March.

A. Right, sir. The only one I have doubt about is Sergeant STANSEL. He was in between our office--and they were just opening a post exchange, and the S1 gave him those duties, but I'm not sure. I think it might have been after March that they opened the post exchange.

Q. Sergeant STONICH has provided two documents, and I would like to read for the record the organization of the 31st PIO Detachment as pertains to personnel assigned on 16 March. I would like to make it clear for the record. If I'm wrong,

sergeant, correct me. The 31st PIO Detachment was attached to the 11th Brigade, and there were only two TOE vacancies for information personnel in brigade headquarters. That was for one officer and one NCO. The personnel which I will read here are assigned to the 31st PIO Detachment or PI Detachment:

(COL WILSON read from the cards given to him by Sergeant STONICH.)

First Lieutenant DUNN, Arthur J.; Lieutenant REHM, Carol. Lieutenant REHM is indicated as being from Los Angeles. The enlisted men in the 31st PIO or PI Detachment: Staff Sergeant Donald STANSEL, indicated as being from Texas, Fort Hood, Texas; Sergeant Ronald HAEBERLE; Specialist Four Bernard GMITER; Specialist Four Robert SHORT; and Specialist Four Michael RECKEWEG. That list which I have just read was the photographers.

The staff reporters in the 31st PIO were: Specialist Five James FORD, Specialist Five Jay A. ROBERTS, Specialist Four Dean POHLAND and Kevin HOWE, and PFC's Kenneth AINSLIE and Lawrence MOLNER. In addition to Sergeant STONICH, who was carried as the editor--

A. (Interposing) News chief, sir.

Q. News chief for The Trident publication. So that the record is not confused, Sergeant STONICH was assigned to the 11th Brigade headquarters company.

Sergeant, prior to 16 March, were you advised that there would be an operation conducted by Task Force Barker?

A. Not directly, sir. Lieutenant MOODY was advised and he told me to get a photo team together to send out with Task Force Barker, comprised of a photographer and a news writer.

Q. And when was this?

A. I couldn't give you an exact date, sir. It normally happened 2 days before. After we received the information from the TOC, we would get our teams together and get them shipped out to the area where the task force was assembled. It would have to be at least 1 day ahead of time, sir.

Q. Is that normally the notice you received for a reporter and a photographer?

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A. At that time it was, sir. We were operating strictly -- sending them from base headquarters at Duc Pho. After a while, we started assigning a team to each unit as opposed to sending them out. We would let them stay with them 2 or 3 weeks.

Q. Do you recall that you sent any personnel from either the 31st or from the brigade information office to stay with Task Force Barker for any period of time?

A. No, sir, not that I know of. At most it would be overnight, but I don't believe it was for any length of time. I think it was just overnight.

Q. What was your responsibility for this? Just getting transportation and getting the people there and transportation in getting them out there?

A. No, sir. I, more or less, designated the teams. Lieutenant MOODY handled transportation with the aviation section. I made sure that they had the necessary equipment to go out.

Q. When you made sure they had the necessary equipment, what do you mean in the case of a photographer?

A. He had film and a camera, and in the case of ROBERTS, he would have to have his notebook and pencils.

Q. Now, in the case of a photographer, was he supposed to have a spare camera?

A. We had two Leica cameras assigned to our office, sir, only two. Every individual in the office had his personal camera. They always used their personal cameras, as well as the office camera, on assignments. This had been practice ever since the brigade had been formed, because we weren't issued cameras at one time.

Q. You had two Leicas?

A. Right, two Leica camera sets, and we had a Speed Graphic 4-by-5 which was impractical to take out in the field on combat operations.

Q. You had a total of three cameras?

A. Still cameras, right, sir. We had two motion picture cameras.

Q. In the brigade headquarters?

A. Right, sir.

Q. How many cameras did the 31st PIO have?

A. This was attached to the 31st. We do it for the 31st, sir.

Q. So, the 31st did not have TOE equipment?

A. I'm not sure whose books these were carried on but I signed for most of it and then I later signed it over to Sergeant STANSEL. We picked them up over in Schofield Barracks, in Hawaii, during our preparations for the move. We were pretty doubled up there, and at that time we picked up two, very shortly before we departed. We didn't have them too long. It must have come under the 31st TOE, sir, because brigade had no authorized photographers, so they wouldn't have any cameras. I think they were authorized a 4-by-5 only. General HAY made arrangements to pick that camera up because we were operating without one.

Q. How long had you been in the information program before this?

A. I have been in approximately 17 years, sir.

Q. Does this seem like a normal number of cameras to have for an organization that had as many people as you did?

A. We were overstrength, sir.

Q. You were overstrength?

A. Right, sir. We were authorized two motion picture cameramen and two still cameramen.

Q. You had enough cameras for one per man?

A. Yes, sir, for the assigned people.

Q. Had you had any problem to meet the information requirements from brigade with the equipment which was available?

A. No, sir, I don't believe we did.

Q. Would you say that the individual cameras were frequently taken on the missions?

A. Right, sir.

Q. Well, what were the procedures when these people went out? You checked and made sure they had film. How much film were they supposed to take?

A. Normally they would take two to three rolls, sir.

Q. How many negatives--how many shots are we talking about?

A. I believe at that time we were getting 20 exposures to a roll.

Q. So we're talking about 60 exposures?

A. Right.

Q. Is this for any given time? Was there any SOP on this?

A. I don't believe so, sir. I don't think the photo detachment had an SOP.

Q. When they went out, they just took a couple, or three rolls with them?

A. Right, sir. If they were going for an extended period of time, which we did later, then they would take more film.

Q. Now, were the Leica military camera sets and the personal cameras that the individuals had--was this interchangeable film?

A. Right, sir. It was all 35 millimeter except for one camera that HOWE had. He had a two and a quarter camera which he didn't take out on any missions.

Q. This was HOWE?

A. Right, sir. He was a news writer, so I told him not to take the two and a quarter out.

Q. You say the Speed Graphic was impractical?

A. Yes, sir.

(Witness indicated the size to be about 8 to 10 inches.)

Q. It's about 8 to 10 inches.

A. It's a pretty large one, sir, to be carried on an operation. It's too big.

Q. No motion picture cameras were used on this operation?

A. No, sir. We were issued 35 millimeter motion picture cameras, which again were impractical. They were large, heavy ones, and we had a request in for the 60 millimeter cameras which, when I left, we still hadn't received.

Q. All right. You got the word that there was going to be an operation, and you were told to assign people to that operation. Is that correct?

A. Right.

Q. What was your next step?

A. ROBERTS was the person that I had in charge of journalists, all the people in the 31st Public Information Detachment. And HAEBERLE was the one in charge of the photo detachment. I informed them of it and they both volunteered. So I told them they both could go, because they were my two senior people, and seemed to be best qualified to go on a mission.

Q. Did you say that your personnel and the information detachment personnel were overcommitted or undercommitted, during the period January, February, March, and April?

A. I don't think they were overcommitted, sir. Of course, in December and January we had to move, and when we were up in our staging area, we had no place to operate from. It was basically a tent. We had no equipment, or nothing to operate and start a newspaper. This is why it started late. Once we moved into Duc Pho and set up an office and everything, I don't believe we were overworked, sir.

Q. Why do you suppose these two senior people volunteered for this particular operation?

A. We hadn't actually had too many operations prior to this, sir. I think just a case of them wanting to go out and see what it was like.

Q. You hadn't had people out on operations too much?

A. Not too much, no.

Q. What kind of work had they been doing?

A. They had been going around getting stories from base camps--certain elements in base camps. What kind of work they were doing? Shooting just various pictures of the base camps. Writing feature stories on the hilltop above our camp.

Q. Do you recall how many operations Mr. ROBERTS or Mr. HAEBERLE had been on prior to this one?

A. No, sir, I don't recall exactly, but it couldn't have been very many, sir. I believe there was one incident with military police that they went on, but this wasn't a mission. This was just someone had killed a civilian on the highway or something, and they both went out for this.

Q. Well, there were operations going on daily?

A. Right, sir.

Q. Platoon and company-sized operations in nearly all the battalions. Weren't these covered?

A. No, sir, not all of them were covered.

Q. At the time you made this assignment, did this appear to be a very large operation to you, or was it something of significance?

A. No, sir. I was pretty much in the dark. I didn't attend the briefings at the TOC that night. Lieutenant MOODY did, and after Lieutenant MOODY left, then one of the other lieutenants did. This was how all our information was received, at the TOC during the evening briefing, and this was the time when people would ask for a photo team or a news team to come out. This was when Lieutenant MOODY would come back and say we had an assignment, to get a news team together. Task Force Barker I had heard about, and prior to this date, I knew that Task Force Barker was--the bulk of our activity taking place concerned Task Force Barker--only from reading our newspaper and from what the boys had told me.

Q. To back up just a minute, how long had the 31st Information Detachment been attached to the 11th Brigade?

A. We picked them up, I believe, in October, before we left, sir. So they had only been attached 2 months prior to our departure.

Q. This was a unit that was at Hawaii, or were they deployed there from the States?

A. They were individuals assigned to our unit, sir.

Q. Was the unit activated in Hawaii?

A. No, sir. I believe it was on paper, and then the individuals were assigned to us. I already had HAEBERLE and ROBERTS, but they were not authorized. We just had them working in our office. Then we picked up FORD, and then the others just came in on assignment. We picked up Kevin HOWE in Vietnam.

Q. So this was a new unit as such?

A. Yes, it was.

Q. What was the policy from the brigade standpoint, from the information office's standpoint, on the coverage of operations, activities, or missions.

A. This is based upon the information officer's assessment of what was going on, sir. If he thought that it was worth it for a team to go out, a team would go out. This again is what he picked up at the TOC at the nightly briefings.

Q. In other words, it was, as far as you know, up to the information officer's determination whether it should be covered by news media?

A. Right, at first it was. Later on, during July or August and so forth, we started sending teams to the battalion so that no one would have to request them. They would be right there for the battalion commander.

Q. In other words, in July and August, you did actually place your teams down under the control of the battalion?

A. Yes, sir.

Q. To decentralize them from brigade control?

A. Right, sir.

Q. These men left. You got them out, and then they came back?

A. Right, sir.

Q. What happens when they come back in?

A. The news writer writes a story. He gets all his information, his facts together, and writes his story. We had our own processing depot. The photographer would either process his own film if he knew how--which HAEBERLE knew how to process film--or one of the other fellows who worked in the photo lab would process it. And the stories would be printed in our paper, and also a condensed story would be sent up to the Americal Division. If there were good pictures in the group, they would be sent up to Americal.

Q. Where was the darkroom?

A. It was located in a CONEX container, right next to our tent, sir.

Q. Next to your tent?

A. Right next to our tent, sir. Next to our news room.

Q. Were all of the films processed there?

A. Yes, sir.

Q. How about the films belonging to the individuals?

A. I don't recall, but I think some of the individuals sent their film back to Hawaii, sir. This was, in particular, the color film. We had no color film processing materials. The black and white that the individuals shot was processed there.

Q. So all black and white film was processed there?

A. Yes, sir, it should have been.

Q. But you didn't provide any color film for the official photographic work?

A. Yes, sir. We were required--we weren't required, but we were told to shoot color slides, so we had color film on hand.

Q. You had to send that back and get it developed?

A. Right, sir. We would have to have this processed.

Q. Well, how is that paid for?

A. We never did send any, sir. I never sent any.

Q. You never processed any color film?

A. No, sir.

Q. From an official standpoint?

A. No, sir.

Q. Well, was there a way to pay for this? How was it to be done?

A. I don't believe it could have been done unless it was out of the central fund, sir.

Q. All right. They came back now. The reporter sits down and writes his report.

A. Right, sir.

Q. And the photographer develops his film.

A. Right.

Q. Then what happens?

A. Like I say, the story is condensed and given to the Americal Division in a nightly report. It is lengthened and brought out in our newspaper, The Trident. If any of the pictures are newsworthy, we release those to Americal Division, and through MACV for release to the outside.

Q. You said it was on a nightly report?

A. Right, sir. We had to make a telephonic report nightly on the activities of the brigade during the day.

Q. For The Trident?

A. No, sir. This was to the information officer at the Americal Division, but it was usually done by--well, Lieutenant MOODY did it first, then Lieutenant REHM, then Lieutenant DUNN. One of the officers usually phoned in.

Q. One of the officers would make this report?

A. He would condense it, right, sir, and call it in to the Americal Division, to the information office there.

Q. Was this report a matter of record?

A. Yes, sir.

Q. Where are the records of those reports?

A. It should have been maintained, sir. Specialist FORD had a file for it.

Q. This report that would have gone up to the information officer at division that night, I'm talking about the night of the 16th, I believe, that is the night they came back. This would not have been ROBERTS report itself or what he wanted to have placed in the paper. It would have been a report of the brigade information activities. Is that correct? This would have included this Task Force Barker operation?

A. Right, sir. He would have got that information from the briefing at the TOC that night. And then after that, he would come to his desk and put all that information into a brief, concise report of what went on, and then he would call that into Americal to one of the officers.

Q. Did you know whether the information officer in division kept a journal?

A. He should have, sir.

Q. Now, when this report was called in at night, was it followed the next day by a written report?

A. No, sir.

Q. That was called in as a nightly report to the division information officer?

A. Right, sir. It went to the information office, and the NCOIC there on duty, took it.

Q. They had an NCO in charge of the information night section?

A. He could have been a specialist, but it was the man on duty that evening.

Q. But he was part of the information section at division?

A. Yes.

Q. This was all consolidated. This was called in the night, I suppose, they came back, or this could have gone in on the night of the 17th--this report, depending on what time they got back from the field?

A. Yes, sir.

Q. Now, let's say the day of the 17th they're processing the photographs and things like that, and the photographer goes in and processes his photographs in the CONEX darkroom. What happens to those photographs then?

A. They're brought out and usually the information officer looks at them to find out if there were any that he considered newsworthy. If there are, then we would put a caption on them and release them to the Americal Division.

Q. They were brought out to the information officer?

A. Right, sir, the information officer, the photo team, and sometimes I'd get in on it. We'd look them over and find out which ones have some newsworthiness, and then we would make release of them.

Q. Do you recall seeing any of these photographs?

A. I do know, sir, as an additional part of our duties, we were required to prepare a photograph album for each departing commander and each departing member of the staff and so forth. I prepared one for myself. After hearing of the incident, I went through my photographs. I picked some out which I thought pertained to this operation. I'm not too sure. I couldn't swear to it. These are the photos, on the back, they are logged out, they have the date similar to the incident, so I brought them forth. That photograph has Jay ROBERTS in it, so this is the reason I figured these were on that operation.

Q. Now, these photographs were made prior to your departure--these positives were made prior to your departure from Vietnam. Is that correct?

A. Yes, sir.

Q. What prompted you to make these?

A. I just put them in my photo album.

Q. They were in your photo album?

A. Right, sir.

Q. You departed Vietnam before we inquired about these photos, I suppose?

A. Yes, sir, I departed in August of the same year.

Q. Now, this--I believe we would like to make copies of these. There is one in particular that I'm interested in. It's indicated by your number 7 (later entered into evidence as Exhibit P-181) and it has a number on the back: 11 LIB-10-17-3-68. What's that all about?

A. The 11th Light Infantry Brigade, sir, and what were the other numbers?

Q. -10-17-3-68?

A. The 10 was supposed to indicate to the filing system that I told them they had to initiate--some type of filing system; 10 was supposed to be the tenth shot on a 20-shot roll. So, that would be the tenth negative. The date would be 17/3/68.

Q. When you developed those photographs, did you put these numbers on there, or did someone else put those numbers on there?

A. It was supposed to be done in the photo shop. I normally had Specialist RECKEWEG do it.

Q. Who?

A. Specialist RECKEWEG, sir.

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Q. So he prepared these positives for you and put these numbers on the back. Is that correct?

A. I wouldn't say he prepared the positives, sir. He is the one I told to put all these numbers on, so we had one individual putting the numbers on and knew what was going on. He was a little handicapped by his eyesight. I wanted to keep him in the office, so I put him doing office work.

Q. And these numbers were put on these photographs by--

A. (Interposing) I'm pretty sure by Specialist RECKEWEG, sir. His first name was "Mike."

Q. Do you know where he is now?

A. No, sir, I don't. I believe he got out of the Army. He was near to being discharged while we were in Schofield Barracks, Hawaii, because of his eyesight, but they let him stay in for some reason. I don't know.

MR WALSH: What was his first name?

A. Michael.

COL WILSON: What you actually did when you heard about this thing is to go through your photo album and select these photographs as being part of the operation on 16 March.

A. I wasn't sure it was part of the operation, sir, but the dates were closely related, so I yanked these out.

Q. You went by the dates on the back of the photograph?

A. Right sir. I did the same thing with the newspapers, The Trident, which my wife had saved.

COL WILSON: I would like to introduce four exhibits.

The first exhibit is a photograph with the blue number 5 on the back, and a control, or code number 11 LIB-2-17-3-68. This photo is received into evidence as Exhibit P-180.

The second exhibit has a blue number 7 on the back, and a code 11 LIB-10-17-3-68. This indicates that these two photographs would have been processed on the 17th. This photo is received into evidence as Exhibit P-181.

The third exhibit has a blue number 1, with a code 11 LIB-21-18-3-68. This photo is received into evidence as Exhibit P-182.

And the fourth exhibit has the blue number 4 on the back with the code 11 LIB-29-18-3-68. This indicates these two photographs would have been developed on the 18th. This photo is received into evidence as Exhibit P-183.

We'll take a 3 or 4-minute break.

(The hearing recessed at 1400 hours, 20 January 1970.)

(The hearing was reconvened at 1403 hours, 20 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present.

COL WILSON: I remind you that you are still under oath.

A. Yes, sir.

COL WILSON: The four photographs that Sergeant STONICH provided are compared to Exhibits P-70 and P-43 as follows:

Exhibit P-180, which was developed on the 17th, and was probably the second photograph developed on the 17th, is shown on Exhibit P-70, a reproduction of the negatives as print or frame 31a.

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Exhibit P-181, which was developed on the 17th as print 10, is compared to P-70, as frame 27a, and has also been carried as a missing photograph in the exhibits. This indicates that the roll of film which is shown in Exhibit P-70 was developed on the 17th of March.

Exhibit P-182 is related to the frames on Exhibit P-43 as frame number--as a bottom frame number, which has been printed out in Exhibit P-43. However, it is the second from the last frame on the exhibit. Our exhibit number of that photograph is P-182. It is shown as being print number 21 on the code.

Photo Exhibit P-183 is compared to exhibit frame 16a. The code on the back of Exhibit P-183 indicates it was print number 29. The fact is that Exhibits P-182 and P-183, provided by Sergeant STONICH, are related to Exhibit P-43. The roll or frames of the roll of film indicate that P-43 was developed on the 18th of March.

MR WALSH: Sergeant, I wonder, if by reference to P-182 and P-183, you could tell me whether the numbers, particularly those appearing on the bottom of the reverse side of P-183, don't indicate that that print was the 29th print made from a given roll of film on the 18th.

A. Yes, sir. The 29th should have indicated the negative number on that roll. This is the way I explained to him to start a system. If I may reiterate myself. In Hawaii, we purchased film in 20 negative rolls. However, when we got in country, we were issued the military film which is a 36-exposure roll, so we did have both 20 and 36. I'm sorry that I led you to believe that we just shot 20. We did have 20 and 36. He could have been using 36 exposures. This was a Tri-X film. It had a higher rate of speed, and most of the time we did use the higher ASA rate of film. This would indicate that it was the 29th picture take on that roll.

Q. Can you recall what the procedure was if someone developed more than one roll during the course of the day? Would they commence again with the number 1 on the digit that indicated the print number?

A. Yes, sir. They should have because each--we had a contact sheet for each strip of film which was separated from each other. If you looked for one 29th picture taken on this roll of film on the 18th, you would go to that negative strip and pick out the 29th. They should have indicated the 29th under the picture on the negative strip. It should indicate shot number 29 on that 36-exposure roll.

Q. I show you P-43, which we believe to be a copy of the negatives of a roll of film taken during the operation of 16 March 1968 by Mr. HAEBERLE. It consists of only 28 negatives, although there is a half of a picture at the very beginning which does not produce, but I show you the photograph that has been marked as print number 21. Is not the frame number 21 on the negative, but rather the next to last frame--the frame number which was not reproduced on Exhibit P-43. I wonder if you could give me any explanation why the number 21 put on there does not accord with the frame number.

A. No, sir, I can't. They should--this filing system was initiated after we got to Vietnam. It was a suggestion on my part to the photo lab that they put down the number 1 of 20 if they were using a 20-exposure roll and number 5 of 36 if they were using a 36-exposure roll, indicating positions. At any given time, if the commander asked for a picture by the number on the back, I could reach in there immediately and yank out the negative. He hadn't done this in this case. It isn't done that way.

Q. I call your attention to the fact that the negative of Exhibit P-182 is the third picture in the fifth strip. Each of the first four strips has six frames in each. Do you know if the practice was to lay out the strips in number without particular reference to the number that actually appeared on the--

A. (Interposing) No, sir. It should have coincided with this number here. For example, if this were a 36-exposure roll, it would have been 1 of 36. This is the idea that I gave them, and I told them that I would like to implement it.

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However, I gave this to either Sergeant HAEBERLE or Sergeant STANSEL, whoever was in charge of the photo lab at that time. We had no means of identifying our photos up until that time. It was in February, I believe, when Americal Division directed us to start putting a number on the back of our pictures.

Q. All right. As far as I can determine, and just let me confirm it, there are 27 pictures or frames appearing on P-43.

A. Right, sir.

Q. Would this indicate that P-183 which is numbered print 29-- would it be indicated, from the fact that P-183 is numbered print 29, that there were additional prints developed from this roll of film that did not appear on P-43.

A. Number of prints developed, sir? You mean, for example, 10 copies of a picture?

A. No, no, number of different--given the fact that P-183 bears the number 29, that indicates that there are 29 frames developed on that roll of film at a minimum.

A. Yes, that should have indicated this.

Q. I wonder then if you could give us any idea of where additional negatives of any pictures taken by Mr. HAEBERLE on 16 March might be found?

A. Well, sir, they should have all been maintained in the file of the photo section at the 11th Brigade. No negatives taken on an official mission were supposed to be taken out of our office.

Q. Do you have any knowledge or reason to believe that any of them were?

A. No, sir, I don't, not official pictures. The ones taken after duty, going to the orphanage, or something like this, they would take their own personal cameras and shoot

film and process those. Those were individual--they weren't assignments, or any kind of mission type. Now these negatives more than likely did go with the individual, but all film shot on an official mission was supposed to be turned in to the PIO office for processing and filing.

Q. I believe you said it was a Micheal RECKEWEG who developed these pictures that we are looking at?

A. He may have numbered them, sir. I asked that he be the admin person in the photo detachment because of his eyesight.

Q. What procedure would he follow in numbering?

A. He should have followed the procedure, right with the negative numbers, sir.

Q. No. I mean suppose Mr. HAEBERLE or someone else was developing a roll of film he took. Was the procedure then that he would hand the negatives to Mr. RECKEWEG?

A. Right, sir. RECKEWEG should have logged it in and assigned the numbers on the film. Again, if RECKEWEG wasn't there another person could have done the logging or the filing of this.

Q. Who actually was developer?

A. Most of the time the photographer who shot the pictures developed them, sir.

Q. We have had some indication that Mr. HAEBERLE was just about ready to depart the brigade on this date, and that he may have developed these pictures. If he had not, who would have been the most likely person to develop them?

A. GMITER--Specialist GMITER. He worked out in the lab quite a bit, sir. He knew how to process. He liked to process film. We received, I believe, this other man. I don't have his name. We received him as a malassignment, I believe. He was attached to us. He did a lot of processing.

I don't know his name. I've been trying to recall it, but all I know is his mother is a famous movie actress or something. He worked out there quite a bit. He also had some physical limitation. He had something wrong with his leg. I don't believe he was assigned to us at this time. I think he came to the brigade after this.

Q. Do you have any recollection of who developed these pictures?

A. Truthfully, no, sir.

Q. Do you have any recollection of seeing them at the time they were developed?

A. I recall seeing some of them, yes, sir.

Q. Which ones?

A. These two stand out, since it was an injury to one of our troops, but I later found out that it was supposedly self-inflicted.

Q. The two photographs marked 13a and 14a in P-43 showing the wounded man on the helicopter?

A. Right, sir.

Q. I'm not sure--

A. And the one that I have a copy of, those three are the only three that I can recall seeing.

Q. The four photographs you brought today are the only photographs that you have in your possession which were developed on or about March 1968?

A. Yes, sir, they are. I have photographs of Vietnamese children riding bicycles and something like this, but not the operation.

Q. I think you mentioned Mr. ROBERTS was in one of these photographs?

A. Yes, sir, he's in the one of the troops crossing the rice paddy.

Q. Let me ask, sergeant, whether the assignment of Mr. HAEBERLE and Mr. ROBERTS was a requirement that you received, or whether this was something that one or both heard about and volunteered to go on it?

A. No, sir. I think this is just a case of the officer in charge coming back from the TOC briefing and saying that we needed a team to go out.

Q. Was that Lieutenant MOODY?

A. Yes, sir, I'm pretty sure.

Q. Did Lieutenant MOODY work very closely with you, or was he involved in other matters?

A. We tried to work closely, sir. We were under the supervision of the S1 office. So, as far as duties were concerned, no, sir, he had no other duties except as brigade public information officer.

Q. In fact, what did he do?

A. He attended the TOC briefing, sir, and he would be the man that gave us our assignments. He told us what assignments we had to carry out. He also would be the determining authority on what stories would be released and what photographs would be released to the Americal Division for distribution to other publications.

Q. About how much time a day did he spend at his duties during this period?

A. I couldn't really say, sir.

Q. It wasn't very much.

A. No, sir. Normally we weren't too heavily committed during that time.

We had just arrived there and set up. Actually, during this time, I believe we were trying to build up our news room into something resembling a news room, separating the news detachment from the photo detachment, and building an office for the officer in charge and things like this. We weren't heavily committed with any assignments at this time. We had the majority of our people in the base camp.

Q. We have had some indication that Lieutenant MOODY might have been occupied in some other duties in the brigade, although he normally was in the information office. In fact, Lieutenant DUNN was more actively involved in the information office than Lieutenant MOODY was. Is that a fair--

A. (Interposing) Yes, I would say so, only because Lieutenant DUNN was actually in charge of our news writers. We tried to separate it, where we had Lieutenant DUNN in charge of the news writers and Lieutenant REHM in charge of our photographers. However, it didn't work very well since we had a photographer and a news writer go out on teams. Lieutenant MOODY, I believe, at that time was trying to arrange a transfer to a special forces unit. So, at that time, I don't believe he was in the office too much. He had gone to Saigon quite a bit to see about this transfer. He was in S1 a lot also.

Q. How about Colonel DIONNE? Did you know him?

A. Yes, sir. He was the information officer--

Q. (Interposing) A major at that time.

A. He was the information officer at the Americal Division.

Q. Did you ever see him at your office?

A. Yes, sir, he came down, I believe once, for a ceremony and I had gone to his office once. I had known Major DIONNE previously from Fort Meade, Maryland, years back, but I believe he was down at Duc Pho one time that I can recall.

Q. And that was for a ceremony?

A. Yes, sir.

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Q. Would that have been the change of command ceremony when Colonel HENDERSON took over the brigade?

A. Yes, sir.

Q. Did he inspect your shop at that time?

A. He conducted a visit, sir. It wasn't exactly an inspection. He walked through it. He didn't inspect records or anything of this nature. He just visited the people in the shop.

Q. What responsibilities did the information office at brigade have with respect to division information.

A. The responsibility, sir, we were responsible for submitting our nightly report mainly, and secondly, we were responsible for submitting news releases, articles, and photographs for possible release to other organic papers or civilian papers. They never requested that we cover any event or any mission or anything like this. They never levied an assignment on us.

Q. They had no responsibility for supervising your work in any way?

A. No, sir, no direct responsibility.

Q. You were under the brigade's command?

A. We were responsible to the brigade commander, but under the S1, sir.

COL WILSON: Sergeant, I show you Exhibit P-70, which is a second exhibit showing a roll, a partial roll of a film, which has been developed. Exhibits P-180 and P-181 are on that roll of film. There are twelve frames on the film. They are numbered beginning with 24 and going to 35?

A. Right, sir.

Q. It is obvious that there are a number of pictures missing from that frame--missing from that roll.

A. Yes, sir. There are 24 negatives missing from this roll, sir; the first 24 pictures. The only thing I can say sir, is the first 24 pictures weren't in connection with the operation.

Q. How do you know that?

A. This is the only reason that I can think of that they would be missing. If it wasn't, and they were all shot of the operation, these 24 negatives have either been misplaced or someone has taken them.

Q. Now, the photographs which you provided--the two photographs which you provided are P-180, shown as frame 31a, and P-181, shown on P-70, the missing frame which is 27a.

We'll take a recess.

(The hearing recessed at 1433 hours, 20 January 1970.)

(The hearing reconvened at 1443 hours, 20 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present.

COL WILSON: I think we have a kind of clear idea of what the procedures were. Now, the question next is what--who evaluated the photographs to determine whether they were newsworthy or not?

A. This was done by the officer in charge.

Q. And that would be who?

A. It was Lieutenant MOODY at that time, sir. If he wasn't available, Lieutenant DUNN or Lieutenant REHM would do it.

Q. Were these photographs processed through you?

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A. No, sir, they weren't processed through me.

Q. Did you see the photographs?

A. Not all of them. I was more admin chief. I didn't see every photograph taken, no, sir.

Q. How were these photographs handled? Were they brought in in positive form and placed on the desk of the information officer, or--

A. (Interposing) Usually in film strips, sir, contact sheet. He would determine by the contact sheet which prints to enlarge, to see if they were suitable for release.

Q. And then what would happen if he selected certain frames from the contact sheet for release?

A. Then the photographer, or the man, would go out in the dark room and print these pictures in 5-by-7, 8-by-10, or the format--the size that we needed. Then the caption would be put on them with the release number. They would be logged in the release book and sent out through Americal Division.

Q. What instructions did you give the photographers as far as their specific duties, as far as operations were concerned?

A. They were just to shoot pictures and cover the operation, sir. No specific instructions on what pictures to take because that is pretty unforeseeable, but to shoot as many pictures as they could, to get a pretty good picture of the operation.

Q. In the case of ROBERTS and HEABERLE, they came from Hawaii with you. Were they given any specific directions or briefings on operations before they went out on what they were supposed to do?

A. No, sir, not specifically.

Q. They were notified the night before the operation that they were going out?

A. Yes, sir. It would be 1 day or 2 days in advance. As much advance as we could get from the SI, or from the control TOC.

Q. Were they given any idea of what to expect?

A. No, sir, just that it was going to be a mission.

Q. Supposedly, where were they to be briefed on that mission?

A. They were just told that there was--for example, going to be a searching type mission, that they would go out with the mission. If it was a withholding type or blocking type, that they were going to be out there 4 or 5 days. This is about as much information as they were given, sir. They weren't given the tactical information--no information on the tactics involved at all.

Q. What was the disposition of the film once it had been processed through the information officer for the approval of the photography. What happened to the film after that?

A. The necessary prints were made, then the negatives were supposed to be filed in the files, sir.

Q. Where was the negative file?

A. In the photo section, sir.

Q. This was in the information office at brigade?

A. Right, sir. We were all consolidated in one tent.

Q. Was the photo section a part of that tent?

A. Yes, sir, they were.

Q. And was this in a safe, or what kind of a filing system was it?

A. No, sir, it was in a makeshift--we took crates, and made various cabinets and desks and so forth out of these wooden crates. So it wasn't locked at all. It was strictly put in a crate which was turned into a cabinet.

Q. And how long were these files supposed to be kept?

A. We maintained them as long as I was there, sir.

Q. They weren't locked?

A. No, sir.

MR WALSH: Sergeant, Colonel WILSON asked you if you had seen these pictures, and you said you didn't always see the pictures.

A. No, sir.

Q. I wonder if you could answer this question: Did you see these pictures that HAEBERLE took on 16 March when they were developed?

A. I saw some of these black and white pictures, not all of them.

Q. When and in what circumstance?

A. I would say I saw them approximately the same day they were processed back in the photo section just in passing through. They weren't given to me for any reproduction or anything. I recall one picture of an individual with a torch to a hut which I specifically said we would not enlarge, because it was not in keeping with the standards, showing them a burning hut. They thought it was a good picture, and I disagreed and told them we would not release that one to anyone else. It was the only picture I looked at, and I knew it would be--

Q. (Interposing) I thought you said when the pictures were processed they were put on a contact sheet?

A. Yes, sir.

Q. Well, how could you see one and not the others?

A. Most of these had been printed in the size I have right now. I didn't see the contact sheet. I just saw the final prints.

Q. Were the pictures always put into final prints?

A. No, sir, they were not.

Q. Were all of these pictures put into final prints?

A. No, sir, I wouldn't say all of them. The vast majority of them would have been final print.

Q. The vast majority of these pictures were printed?

A. Were not printed.

Q. Were not printed?

A. Right, sir.

Q. Which ones were printed that you recall?

A. The four I submitted, plus the one of an individual putting a torch to a thatched hut.

Q. I ask you if that photograph of an individual putting a torch to a thatched hut is the same on P-43. It appears to be frame 7a, or is it another frame, or possibly frame 32a on Exhibit P-70?

A. Yes, sir. It's the 32a on Exhibit P-70.

Q. Do you know the individual shown in frame 32a, Exhibit P-70?

A. No, sir, I do not. I can't recognize him from this picture.

Q. Where were you when you saw that frame?

A. At the photo section, sir.

Q. And when did this take place?

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A. It was right after they printed them, sir. It must have been the day after processing or the day they processed, one of the two.

Q. That would be 18 or 19 March?

A. Right, sir.

Q. And who was present when you saw that?

A. Specialist RECKEWEG was there. I'm pretty sure Jay ROBERTS was there. I can't really recall. I think Lieutenant REHM and Lieutenant DUNN were there, sir.

Q. How about HAEBERLE?

A. I can't really say if he was there or not.

Q. I want you to take a look at frames 1a, 2a, and 3a on P-43, and tell me whether you saw prints of those photographs, or any one of them, at that time?

A. No, sir. I don't recall seeing any one of those pictures.

Q. We'll show you a print in a minute that may refresh your recollection when you see it. Did you have any discussion with respect to the prints you saw with Mr. ROBERTS and Mr. RECKEWEG on the 18th?

A. No, sir. Just on that one print, the one of the thatched hut being put to the torch.

COL WILSON: We'll take a 5-minute recess.

(The hearing recessed at 1453 hours, 20 January 1970.)

(The hearing reconvened at 1503 hours, 20 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present. Also present are LTG PEERS and MR MACCRATE.

COL WILSON: Sergeant STONICH, I want you to look through the first photographs of this album here, through Exhibit P-25 numbered in red on the bottom of the photograph. I want to ask you questions when you get a chance to look through them.

(Witness looks through photos.)

As I turn through these pages, I would like you to stop me if you have ever seen the photo before.

P-3 was one of the photographs you brought us and we introduced as an exhibit today.

A. That one looks familiar, sir.

Q. P-5. Lieutenant DUNN also recognized that photograph. P-6, P-7, P-8, P-9, and P-10 are photographs of CARTER. Which one did you see?

A. It must have been this first one, sir.

Q. You saw P-6. You saw P-9.

A. Right.

Q. P-11 and P-12 are medevac shots of CARTER. P-13 and P-14 are the same person. P-15?

A. This one, I believe I've seen this one, sir. It's familiar.

Q. P-15 is the building burning and the man throwing the basket into the fire.

IO: Could your memory be based on the fact that you saw a picture comparable to it in Life magazine?

A. Yes, sir. I've seen this picture. I couldn't really say for sure, where.

COL WILSON: P-16?

A. No, sir.

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Q. P-17?

A. No, sir.

Q. P-18?

A. No, sir.

Q. P-19?

A. One similar to it, but this isn't it. The one I gave to you as an exhibit, sir.

Q. P-20?

A. No, sir.

Q. P-21?

A. No, sir.

Q. P-23?

A. Yes, sir.

Q. P-24?

A. No, sir.

Q. P-25?

A. No, sir.

IO: Was it a requirement that all of the photos that one of the cameramen turned in would be developed?

A. No, sir. They would be on contact sheets, and those selected for release normally were processed and printed in a larger form with a caption.

Q. Who would make such a decision?

A. One of the officers was the final determining authority, Lieutenant MOODY, Lieutenant REHM, or Lieutenant DUNN.

Q. You didn't have an opportunity to see these?

A. I saw them passing through the photo lab, and I glanced down and saw a few of them. The one that strikes me is the man putting the torch to the thatched hut. I told him that would not be released under any circumstances. That was the only one I saw that strikes my mind real heavily, that one.

Q. You feel then that you did have a system whereby all the pictures that were taken were reviewed by a competent authority?

A. Yes, sir, they were supposed to be. They were supposed to be reviewed by either the information officer, Lieutenant DUNN, or Lieutenant REHM.

Q. Lieutenant who?

A. Lieutenant REHM or Lieutenant DUNN or the information officer, Lieutenant MOODY at that time, sir.

Q. Do you know who ,specifically, had the responsibility?

A. It was Lieutenant MOODY's responsibility, but whenever he wasn't there Lieutenant DUNN or Lieutenant REHM gave their approval.

Q. One picture that you indicated was a man putting a torch to a hootch. Was this in accordance with division regulations?

A. No, sir. I just told the photographer, and I think Lieutenant REHM and Lieutenant DUNN were there when we discussed it, that it wasn't in the best interests of the Army to publish a picture of a man putting a torch to a thatched hut.

Q. I can understand that this, along with pictures of atrocities, would not be in the best interest. But the question is whether this decision is to be retained by the PIO section or whether it should be called to the attention of competent authority as evidence that something was going on.

A. Yes, sir, it should be.

Q. For example, the burning. I have been led to believe within the Americal Division and within the 11th Brigade that there would be no burning of buildings without the division commander's approval.

A. Right, sir.

Q. And we see a picture of a man burning a building. This is obviously against regulations. My question then is was this particular picture called to anyone's attention, other than the fact that this isn't the kind of picture we print in the best interests of this brigade?

A. No, sir, not that I know of. It just stopped, as far as I know, at the information officer level, sir.

Q. Do you know if it aroused any curiosity for anybody to take a good look and see what the rest of the pictures looked like?

A. No, sir. No one from outside our shop, as far as I know, saw those negatives or the contact sheets.

Q. Are you sure that anyone inside your shop saw them?

A. The information officer must have, sir. He was supposed to look at them all and figure out which ones were newsworthy for release. It was his job.

COL WILSON: I'm going to turn to another series of photographs. If you recognize one, stop me. Photo P-59 is one of the photographs that you brought in as an exhibit today.

A. Right, sir.

Q. Photo P-65, possibly you've seen that one.

A. Yes, sir.

Q. Photo P-69 is one of the exhibits which you introduced today, one of the photographs which you brought in.

A. No, sir.

Q. As you were. Photo P-69, you have seen this photograph before?

A. Yes, sir, this is the one we discussed about putting the torch to the thatched hut.

Q. These are all the photographs that we have available of the photographs that were made by HAEBERLE on this operation. Could you provide any information that you may have on possible location of the film which HAEBERLE made, or the prints that we do not have?

A. No, sir, I couldn't. They should be in that photographic section.

Q. Which, I believe, you described as being in boxes?

A. Right, sir.

Q. And how long were those maintained?

A. They were maintained indefinitely, sir. They were not moved or destroyed while I was with brigade. Of course, brigade was only about a year old at that time.

MR WALSH: Sergeant, before you saw the contact sheet that you saw on about the 18th or 19th, did you get any reports from Mr. ROBERTS or Mr. HAEBERLE about what they had seen during that operation on 16 March?

A. No, sir. I received the story that ROBERTS wrote for release in our Trident newspaper.

Q. And you brought a copy of that with you?

A. Yes, sir, I did.

Q. You are referring to the issue of 22 March 1968?

A. Yes, sir.

Q. Now, I take it that you read this report when it was written up by Mr. ROBERTS?

A. Yes, sir.

Q. Did you edit it in any way?

A. Just for punctuation, grammar, and so forth. Changing his thought or theme, no.

Q. And did you discuss the operation with Mr. ROBERTS at that time?

A. No, sir. As a matter of fact, there was little discussion about that operation. He handed the story in to me, and this is all that he told me right there at the time, and he never discussed it with me afterwards.

Q. Well, it was the biggest story in the paper on 22 March?

A. Yes, sir.

Q. It was a pretty big operation for 11th Brigade up to that point.

A. Yes, sir.

Q. You had no discussion with him at all about it?

A. No, sir, no discussion in depth. I talked the story over with him to make sure he had his figures right. This is about all I did.

Q. I think you said Mr. ROBERTS was present when you saw the contact sheet which shows the soldier putting the torch to a hut?

A. This was a picture rather than a contact sheet.

Q. It was an actual, developed picture?

A. Right, sir.

Q. And at the time you told them not to print pictures like that any more. Was there any discussion?

A. No, sir. I think it was a result--I had suggested that the picture wouldn't be published, and that we shouldn't make any release on it at all. I think Lieutenant DUNN and Lieutenant REHM concurred, and that was as far as it went.

Q. Did Mr. ROBERTS or anybody else say that it reflected pretty well what was happening during the operation?

A. No.

Q. They had no discussion with you at all as to what they had seen that day--burning villages?

A. No, sir.

Q. Did they say anything to you at all about women and children being killed?

A. No, sir, they did not.

Q. Did you hear about it from any other sources?

A. No, sir. My tent where I slept was different than their's, but in the office there was never a word uttered that you could hear about this operation. He had people come to visit him. I was in the office nearly every night, and he had people coming to visit him from 1/20. ROBERTS had a friend in there, some sergeant. I don't recall his name.

Q. Did you hear anything about women and children on the operation, before it broke in the newspapers recently?

A. No, sir.

Q. Did you know Colonel BARKER's driver?

A. I can't recall him, sir. I think he was a young boy. I'm not--a young PFC, I think. He came into the PIO shop, I think, a few times. I don't recall the name though.

Q. I'll show Exhibit P-68 and ask you if any individual in that picture can be identified by you as Colonel BARKER's driver.

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A. I know this individual, sir, but not specifically as Colonel BARKER's driver.

Q. You are indicating the individual in the foreground?

A. Yes, sir. He has been in our information office. I think he was trying for an assignment there or something. Lieutenant MOODY handled this one. He wanted an assignment in our shop or something like this.

Q. You don't recall his name?

A. No, sir, I don't. He didn't seem too responsible. Lieutenant MOODY asked me about him. I told him he didn't seem responsible. We were overstrength at that time. So, I think, this is where I'm placing him, as trying for an assignment in our office.

Q. Sergeant, when you had enlisted men, particularly draftees, assigned in your PIO unit, did you normally give them instructions on their job, what to do, and to report favorable information about the 11th Brigade and not rock the boat with unfavorable information that they came across.

A. No, sir.

Q. Was it your practice ever to report to anyone, higher authority, any information that is in violation of regulations or criminal activity that any of your people would report to you?

A. No, sir. They never reported any to me.

Q. Did you ever instruct them to report such matters to you or to the officer in charge of the detachment when they observed it?

A. No, sir. I believe--I didn't do it personally, but I believe they received instructions from the headquarters company commander, Captain O'BRIEN. I believe he spoke to everyone about this, since there were incidents prior to this one regarding civilians.

Q. That your reporters brought to you?

A. No, sir. This was reported by the provost marshal, and by one photographer and one reporter. It was taken care of by the provost marshal.

Q. Could you tell me a little about the incident?

A. Right, sir. One of the cooks in the headquarters company went temporarily berserk, and he shot a couple of civilians. He was tried and court-martialed.

Q. This was observed by people in your shop?

A. They went out to cover the story, if there was a story. Yes, sir. They went out with Major PITTMAN who was the provost marshal at the time.

Q. They had not been the initiating people?

A. No, sir.

Q. Do you ever recall an incident when you were with the 11th Brigade where individuals of your shop observed violations of rules or regulations?

A. It was never brought to my attention, sir.

Q. Was it brought to your attention, or the attention of the provost marshal?

A. No, sir.

Q. Did you consider that your exclusive function was to develop favorable news for the 11th Brigade, in a favorable light with the public and with other areas?

A. Yes, sir. I like to put them favorably if the instance arose. If the situation arose unfavorable, I wouldn't hesitate to give it the same coverage as it would be if favorable. Of course, truthfully, I wouldn't feel that it would be released, but I would give it the same coverage.

Q. Did you instruct your photographers not to take pictures of things that wouldn't be released?

A. I don't recall giving that instruction, no, sir.

IO: The release of such information that Mr. WALSH is talking about, would that be a PIO release or a command decision?

A. Normally it was the information officer, sir. This was the practice that I observed while I was with them.

Q. Well, did you ever see any unfavorable pictures?

A. Now, thinking back, sir, the thatched hut. This is the only one.

Q. Was it released?

A. No, sir, it was not.

Q. If you had to come down to a picture that was going to be released, and you knew it would not reflect favorably upon the command, do you think the IO would go ahead and release it?

A. I think he would take it up with the commander.

Q. That's my point, because he would be a short-lived IO.

MR WALSH: Did you take up with any party the picture that you observed on the 18th or 19th of a soldier burning the thatched hootch?

A. No, sir, just with Lieutenant--I'm pretty sure that Lieutenant MOODY was there. I know Lieutenant REHM and Lieutenant DUNN were there.

Q. Do you know if they took it up with anyone?

A. No, I don't.

Q. Do you recall any other incident where either a picture or story brought in by your people which reflected unfavorably on the 11th Brigade was taken up with higher authority?

A. No, sir.

IO: You've indicated that you checked Mr. ROBERTS out on all the facts and figures in his story before he wrote it.

A. He wrote it, then I asked him if all these facts and figures were correct.

Q. Is that checking them out?

A. It was checked out later that evening in the TOC, sir. We got the official figures from the TOC, in the briefing that they gave that evening.

Q. Well, there is one statement in there that is directly opposite from the truth.

A. Which one is that, sir?

Q. Where it says that they were told 35 of the enemy came into the village. The story actually is about 35 to 40 left the village early in the morning. Was this checked out with the S2?

A. No, sir, not that I can recall.

Q. ROBERTS also tells me that he was so upset he wouldn't write the story.

A. No, sir.

Q. He indicated that the basic story was written by Lieutenant DUNN on a format provided by DUNN, and he just filled in a few of the figures.

A. I received the story from Specialist ROBERTS.

Q. My understanding from ROBERTS and from HAEBERLE both --and through ROBERTS to a much greater extent than HAEBERLE-- is that they were pretty upset, both physically and mentally, when they came back in as a result of this. Now, we find them writing these stories, and everything comes out sweetness and light.

A. I don't recall him being upset, sir.

Q. Are you sure that ROBERTS and HAEBERLE didn't tell you something about the unnecessary killing of women and children out there?

A. Very positive, sir.

Q. About what time did BARKER's driver arrive on the scene?

A. I couldn't say exactly, sir, because he would drift in and then he would drift out. He was just visiting.

Q. What was he asking about?

A. He was asking actually, I believe, about an assignment to the 31st PID.

Q. Was he asking about pictures?

A. Not that I can recall, sir. He may have gone back to the photo section. He would talk to the photographers and to the newsmen. He never asked me for any pictures.

A. Did you ever feel that he was trying to find out what pictures you had in the IO shop?

Q. No.

A. How long a talk did you have with ROBERTS and HAEBERLE when they came back?

Q. It wasn't very long, sir. They came back in, and they were dirty of course, and they wanted to take a shower. So they went and took a shower. This is normal procedure. There

was no hurry for the story. The paper came out each week.

Q. But you had to call in the details that night?

A. That's right. One of the officers would get the details from the TOC. They would get it in a concise form and send it to the Americal Division. We didn't release the story as such to the Americal Division.

Q. This story, as a matter of fact, in The Trident, appears subsequent to the story that was released in the Americal Division paper.

A. I don't recall seeing it in the Americal paper, sir. I recall seeing a small blurb in the Stars and Stripes.

(Witness studies Exhibit M-17.)

This was phoned in by Lieutenant DUNN or Lieutenant MOODY or Lieutenant REHM the evening after the operation, when they had finished in the TOC.

A. How much work around the IO shop did Lieutenant MOODY do?

Q. About this time, sir, I believe he was busy trying to get transferred to special forces. He wasn't in the office too much. Lieutenant DUNN and Lieutenant REHM were handling most of the work in the office.

A. What was Lieutenant MOODY doing? Was he on some special assignment for Colonel HENDERSON or General LIPSCOMB?

A. No, sir, not that I can recall. He was in the S1 shop quite a bit. I think he was trying to see about his transfer to special forces.

Q. He can't stay there all day long, day in and day out?

A. No, sir. He spent a great deal of time with Captain WOFFORD who was then the assistant S1.

Q. What was the procedure within the Americal Division, and specifically the 11th Brigade, on the use of private cameras?

A. Since the--going back, sir, when I first arrived in 11th Brigade, I arrived and there was no PIO shop. I had to set one up. At that time, they were using two photographers, HAEBERLE and a PFC GOERTEN from another battalion. The commander then was General HAY. He brought those two individuals to the PIO shop, and assigned them to us. We had no military cameras. They both had civilian cameras. We used these cameras until we got a Speed Graphic 4-by-5. The policy was civilian cameras could be used on official missions, but the film was official. The film would be turned in.

Q. Was this put down on paper any place?

A. I don't know if Sergeant STANSEL put that in an SOP or not. I couldn't say.

Q. Sergeant who?

A. STANSEL, sir. He was photo chief, and I can't recall if he was photo chief at that time or if he was in charge of our post exchange. He was our senior sergeant there.

Q. Well, now, what about color film? Was this authorized?

A. Yes, sir. It was available. We were shooting color slides--we were instructed to shoot color slides of activities. We shot some of, I believe, construction and so forth. In thinking back, I made the statement that we would send this film to Hawaii for processing, and if I could correct myself, we didn't send it to Hawaii, commercially. We sent it to Hawaii --it was the U.S. Army Pacific Special Photographic Team, because we sent them--all I can recall sending them is a roll of motion picture film which Specialist RECKEWEG shot of our change of command ceremonies, but I can't recall sending any other slide-type film. Lieutenant MOODY did have mailers, and he was mailing film home for processing. I don't know how many others had the mailers to mail their film.

Q. What you're saying is that not only were the photographers authorized them through necessity in the early days, but also they were encouraged to use their private cameras?

A. Yes, sir.

Q. But the film that they used was provided by the government?

A. Some--well, the ones for official business was, sir. Other film was purchased by the individuals.

Q. What about the film that was purchased by the individual. He just could take any pictures that he wanted?

A. No, sir. Not during any official business and on official missions. He could do this on his off-duty time, take pictures of the--the only place that he could go was the Duc Pho Orphanage. But they couldn't shoot pictures, they weren't allowed to take pictures--they were instructed not to shoot pictures on official missions without turning that film in. That was Army film.

Q. Did you have an SOP drawn up for personnel in your IO section?

A. Yes, sir, we had an SOP. I don't know if it covered this particular portion or not. We had an SOP.

Q. Do you, by chance, have a copy of that SOP?

A. No, sir, I don't.

Q. Do you know anybody who has a copy of it?

A. No, sir. A copy should be in S1, and our brigade file, back at Duc Pho. When I came into brigade, I had written regulations and SOP's based on various regulations that I had received or worked with in other organizations, pertaining to home town newspapers, how the battalions would furnish me with information so that I could send out news releases on individuals, and so forth. I don't believe it covered the portion of using the individual cameras, no, sir.

Q. Your PIO shop worked under the S1?

A. Yes, sir, immediately under the S1.

Q. Well, the point you make is a very good point, about any pictures taken on a mission being the property of the government. But unless there is something to show this being a matter of record, a matter of instruction, or a matter of procedure, this becomes a very tenuous--

A. (Interposing) Right, sir. I feel sure there is an SOP out on this, but I couldn't swear to it.

Q. How well did you know ROBERTS and HAEBERLE?

A. I think fairly well, sir.

Q. What kind of people were they?

A. Well, sir, I thought HAEBERLE was the opportunist because, well, through various transactions that he had conducted while we were in Schofield Barracks, and while we were in Viet Nam. For example, he went to Japan on leave, and we had all asked him to purchase some camera equipment for us, which he did. He came back and I think he overcharged half of us. He didn't strike me as too ethical at all. While in Vietnam he had, I would say, the gripe of the draftee. He wanted to get out. He was a good photographer. He took good pictures. This is why he was promoted to sergeant.

Q. Did you know that he was putting together a slide collection?

A. No, sir, I didn't.

Q. How is it that ROBERTS knows all about this, and so on, and you're very close to HAEBERLE and ROBERTS, and you don't seem to know about this?

A. No, sir. I was billeted away from them.

Q. Oh, yes, but you're in the office when they took off, and you see him with a private camera hanging around his neck. You can count cameras as well as I can.

A. Yes, sir.

Q. You know better than I do the difference between the Leica and a Nikon, or any of the other cameras. Did you ever question him on the cameras that he was taking out on these assignments, and what was happening to it?

A. No, sir. I know that on assignments he took his. I thought that ROBERTS had taken one.

Q. Did you ask him where the film was?

A. He was given film, sir, black and white film.

Q. No, not in his. His own camera was a Nikon. He was using color film in that one.

A. No, sir, I didn't question him on that.

Q. Was this a very strong section? It seems to me that this was sort of the blind leading the blind.

A. No, sir.

Q. From what I get there wasn't much control within the outfit. Lieutenant MOODY was gone all the time. We're not sure who was responsible for checking this or for checking that or whether we had an SOP. Nobody checked anything going. Nobody checked anything coming. I just get the idea that it's sort of like a classroom. Some newspaper, people, and pushing all the way around.

A. No, sir, I thought we ran it pretty tight. I thought we were operating good. It turns out now that we weren't.

Q. Well, even in the black and white pictures--we have some pictures here that if anybody had seen them, aside from the man that took them--obviously the man that develops them knew what was on the pictures, but nobody does anything with this.

A. No, sir.

Q. And we get a story like this coming out that really is a reverse story as far as the enemy is concerned. Instead of the enemy having departed, the enemy is coming in. I just wonder why that was inserted in there, because it adds more plausibility to the 128? If you knew that 35 left early in the morning, instead of 35 or 40 arriving, it would have a different interpretation on it.

A. Yes, sir.

Q. It seems to me, very frankly, that that particular paragraph was put in with malice aforethought.

A. I can't say, sir, because I have no idea who put it in. I don't know why the individual put it in.

MR MACCRATE: Sergeant STONICH, can you tell me something about when this story was written by Specialist ROBERTS?

A. Well, the first thing that he would have done, sir, is gone and taken a shower, and changed his clothes and so forth. Then he would have come back and written it.

Q. He wrote it that same day that he came back?

A. I can't recall right offhand whether he got back early or late that day, sir. Normally we worked at night. We didn't close our shop, normally. We had a charge of quarters that we left in the office there, and most of the time most of us were down there doing something, working or something like this. I couldn't swear to it that he wrote it that night or the following day.

Q. Wouldn't he ordinarily be responsible for getting it out that night, and getting the story called up to division?

A. No, sir. These stories to division were received by whoever attended the briefing at the TOC. This was normally Lieutenant MOODY, or Lieutenant DUNN, or REHM. They would put all the information into a concise report and phone it into the Americal Division. It was a required report, every night.

Q. And that's not what you would have printed here, on this dated 22 March, in The Trident?

A. No, sir. This whole story wasn't phoned up to them.

Q. Are you sure of that?

A. I can't swear to it, sir, but we never did phone in more than two paragraphs that I recall, two or three paragraphs.

Q. I would like for you to look very carefully at Exhibit M-23 and see if that doesn't refresh your recollection as to what was sent up to Americal Division that day. I think you have a little slippage here as to what was going on. If you will drop down to the third paragraph of that story, and compare that, if you will, to what appeared in your Trident on 22 March, I think you are going to find a verbatim story, sentence by sentence, running on for a number of paragraphs. See if that doesn't refresh your recollection a little bit as to what was going on in your shop on 16 March.

(The witness is studying Exhibit M-23.)

A. Right, sir, it would come from the same story.

Q. It's the identical story, isn't it? They added a little to it up at division.

A. Right.

Q. A little introduction, but it goes along item by item. All of this appears the very next day, 17 March, in the News Sheet of division. Doesn't this refresh your recollection in any way as to how a story of this length about this very important engagement--look at the lead in the Americal Division story. Would you read that for us, please, into the record?

A. Yes, sir. "A combat assault into a hot LZ started the day off right for infantrymen in the Task Force Barker Area of Operation Muscatine, yesterday. By midafternoon, when the enemy broke contact, Americal's 11th Infantry Brigade soldiers, with support from artillery and gunships, had killed 128

Viet Cong. The 128 enemy dead was the largest enemy count reported by the 11th Brigade for a 20-hour period since they took control of Operation Muscatine."

Q. Stop there. That sentence about how important that operation was. This is the big story the biggest story that has come out of Task Force Barker, and very important to the 11th Brigade. Don't you have any recollection of the discussions of this story that went on in your shop at Duc Pho prior to the time this was called up--sent up in someway to Chu Lai, to appear in the News Sheet there the next day?

A. No, sir.

Q. This was just handled in a routine way, or behind your back, and you took no part in it?

A. No, sir. Now, I was NCOIC of the information office, but my duties were mainly administrative. I tried to work with this Trident and get it out each week, because I wasn't sure who I would have in my office. The evening phone calls to Americal Division, I never became involved in. I never made one.

Q. How would you get a story of this length that runs on for a number of paragraphs up to Chu Lai?

A. Well, it would seem as though somebody flew up and took it to them, sir. If you called it over the phone, it would take quite a while to call it over the phone.

Q. And the administrative personnel in that office would have to get it transcribed. Wouldn't that be a responsibility of yours, to see that someone got this prepared, got it on paper, so that it could get up to Chu Lai?

A. No, sir. The reporter usually put his own stories down on paper. He wrote his own stories. We had the clerk in the office, Specialist FORD, but he normally typed up The Trident.

Q. Then the administrative step of getting it up to Chu Lai wouldn't be your responsibility?

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A. No, sir. It was probably the information officer's. I never made any arrangements for the story to get up to Chu Lai.

Q. And, as far as you're concerned, this was all handled by someone else in your shop, and you had nothing to do with it, getting this lengthy story up to Chu Lai into the News Sheet there?

A. No, sir, I did not.

Q. You said you used to get some complaints from HAEB-ERLE. Could you tell us about some of his gripes and complaints that he used to throw at you?

A. No, sir. They were the standard type: duty before he made sergeant, he was on KP and CQ. These were just the standard types.

Q. Did he have any complaints about the PIO shop?

A. Not that I know of, sir. He was treated well in the PIO shop. There weren't any dirty details or dirty assignments.

Q. Did he complain about the way the pictures were handled?

A. I think he complained once, because he wanted to process them all himself and finish them all himself, and do the whole process himself. Even if he weren't there to do it, he still wanted to do it. He didn't like--he voiced a dislike for Specialist GMITER doing processing. He didn't like GMITER's processing. I think this is the only complaint he had within the shop.

Q. Did you explain about this regulation that you think you promulgated, that all Army films and pictures that were taken on an operation, even though it was the individual's own film that was being used, belonged to the Army? Did he ever complain to you about that?

A. No, sir, not that I can recall. I think we discussed it. I think I discussed with him the fact that when he went out on an official assignment, the camera was Army and the film

was Army, even if he wanted to take his camera. This is the basis for his operation. If he didn't want to take his camera on that basis, then he has to take one of the Leicas. It wasn't a directive or an order. I think I discussed it with him in this manner.

Q. And you said that his camera, his film, were the Army's property while they were on the operation?

A. Yes.

Q. What did you tell him?

A. I believe it was if the camera and the film went on an official operation, the film belonged to the Army, sir.

Q. Even though he paid for it out of his own money?

A. Yes, sir. If he didn't want to turn the film in to the Army, then he would have to take an Army camera and use the Army camera and the film, and turn it in.

Q. You are quite sure you told him that?

A. Not exactly in those words. I can't recall exactly how I put it to him when we were discussing it. This is the way it came out and I believe Sergeant STANSEL--I discussed this with Sergeant STANSEL also. I think this is when I asked him if he would draw up an SOP about the photo shop.

Q. When did this rule--regulation take effect? At what moment in time? When he left the PIO shop? At the time he left Duc Pho? The time he got up to LZ Dottie? What were your instructions to him as to the moment when his camera became the Army's camera and his film became Army film?

A. No specific instructions, sir.

Q. Just this general idea that when involved in an operation, it was Army film.

A. Yes, sir. Anything he shot on an Army operation

was supposed to be Army film. I believe I told him that he wasn't being sent out there to shoot pictures for himself, that he was sent out there to shoot Army pictures.

Q. You know a lot of men that have their own camera, that take their own pictures. Did you ever hear of such a regulation being expressed in any way to them, to any of the other people on an operation, that their camera wasn't really their camera, and their film wasn't really their film?

A. No, sir.

Q. Did you seriously advance this rule to the people in your shop, and you clearly layed out for them--

A. (Interposing) No, sir. I didn't clearly lay it out for them. No, sir, I discussed this with HAEBERLE, and I believe I discussed it with Sergeant STANSEL. I didn't say this was enforced. I don't know if it is in a regulation, because I didn't write the regulations for the photo section. I didn't lay it out in an order or a directive. I myself had a camera over there. The film I shot is supposed to be on file in the 11th Brigade photo shop.

Q. Have you ever seen Lieutenant MOODY's pictures that he took when he was there?

A. I saw some of them, sir.

Q. Did he have the pictures that he took sent back to him in Vietnam, or did they end up over here?

A. I don't know, sir. He had mailers. I know he operated with mailers. I don't know. I never saw the film come back.

IO: Well, there is one point. Did you make a distinction between one of your individuals who was a photographer taking a private camera with him, and somebody who, let's say, was a mortarman, and him taking a camera with him?

A. Yes, sir. There was an article in The Army Times

that said that they should pay prizes or something for infantrymen to take pictures during operations. I didn't think this was a good idea because then people would be taking pictures all the time during combat. I guess this is where I got the idea of disliking people taking their personal cameras out in addition to military cameras. I was under the impression that ROBERTS had a camera and HAEBERLE had a camera.

Q. Yes, well, what I'm doing is not necessarily the diversion from the primary job, but the mortarman's primary job is the job of being a mortarman, and taking pictures is a secondary function.

A. Right, sir.

Q. Even though it may be personal, a photographer is a photographer.

A. Right, sir, this is his duty.

Q. So there is quite a difference between a mortarman and any other kind of MOS aside from a photographer taking pictures, as compared to a photographer.

A. Right, sir.

Q. Where would we be able to get hold of a copy of this SOP if it existed?

A. It should be in the S1 office of the 11th Brigade, and there should be a copy in the 11th Brigade PIO office in the admin file.

Q. What was the name of the sergeant again that you--

A. (Interposing) Sergeant STANSEL, sir.

Q. Do you know where Sergeant STANSEL is now?

A. I believe he is at Fort Hood, Texas.

Q. He's still in the service?

A. Yes, sir.

Q. I want you to think real hard, Sergeant STONICH. We are trying to piece together this story of what happened and what was reported. We have asked all these people coming through here their view about this, what transpired at My Lai on the 16th. We have had them allude to the fact that, "Well, I'm sure we told people." I know the whole story on the preparation of the article. ROBERTS indicated that he was so upset with--that he simply couldn't write it. The fact is that Lieutenant DUNN had to do the basic preparation. The fact that I raise is that that article was called into Americal Division for the greater part of that night.

A. I wasn't aware of this.

Q. It could have in fact been made up by somebody in contact with the TOC, but the fact also remains, as I have indicated to you, that it does have some false information. Think real hard, will you. Just remember if in all this process, and we're talking about burning, people putting the torch to a building, and all of this sort of thing. When this came up, did somebody say: "Yeah, there were a lot of buildings being burned," anything to that effect. This is just not protecting individuals. This is real serious business.

A. Yes, sir. I understand that.

Q. I would like you to dredge the back of your memory. Do you think that there was anything that was said that might be attributed to this particular situation.

A. Yes, sir. I have thought a great deal since this came out. I thought a great deal about it. I cannot recall anyone saying a word about burning, killing people, killing women and children, or anything along these lines.

Q. You see, you're sitting right on the fringe. At any point, had you put a little pressure on, you could have had the whole story. You could have had it in picture form. You could have had it in literary form. Even in the black and white, there are pictures of atrocities that were taken on that

day, and not just burning of buildings. I take it that you are an individual that has extremely high moral standards.

A. I hope so, sir.

Q. I would ask what would you do if you saw a picture like that (Exhibit P-64)?

A. I would call it to the attention of someone, sir, to find out what had happened there.

Q. Yes, but what about your people, the people who develop these pictures. Now, they see that, don't they?

A. Yes, sir. Most of the time the person who develops the film is the one who shot it, sir.

Q. Wait a minute, wait a minute, now. You just got through telling us that HAEBERLE didn't like GMITER to develop HAEBERLE's pictures, so how does all that fit together?

A. No, sir. I said most of the time if the photographer shoots it, he likes to process his own film.

Q. He wasn't processing his film, was he?

A. Yes, sir. He was when he could. Sergeant HAEBERLE processed some film--

Q. (Interposing) Did he process that film?

A. I couldn't say yes or no, sir.

Q. Well, in accordance with your numbering system which you had on the back of your pictures, did he process these?

A. This doesn't indicate who processed it, so I couldn't say who processed them.

Q. You see, here are the pictures as you can see. Yet, I find nothing coming out of this IO shop to call this to the attention of people. This had to be known by somebody.

A. Yes, sir.

Q. And I'm sure you're wondering why I'm trying to find out what kind of shop this was?

A. No, sir. I understand, looking at these pictures.

Q. Who would have processed these pictures if it had not been HAEBERLE?

A. At that time we had GMITER who was good in the lab. I thought he was good in the lab. HAEBERLE didn't think so. SHORT could also process. I'm not too sure about RECKEWEG. I think RECKEWEG could have processed film. I didn't see him out in the lab too much, sir.

Q. Who would know, STANSEL?

A. He may, sir.

Q. Would STANSEL still have a copy of his SOP if he prepared it?

A. I don't think he personally would have a copy, no, sir.

(IO and MR MACCRATE left the hearing.)

MR WALSH: Did you give the members of the IO shop, or did they receive from anybody else, any instructions with respect to their responsibilities as to reporting war crimes in accordance with MACV Directive 20-4 of 27 April 1967?

A. No, sir, I did not. I don't know if anyone did.

Q. Do you recall receiving any such instructions?

A. No, sir, I did not.

Q. I want to read to you paragraph 5 of that directive entitled "Responsibilities", and see if that might refresh your recollection as to hearing any instructions given to the men in the IO detachment.

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A. Yes, sir.

Q. And I'm sure you're wondering why I'm trying to find out what kind of shop this was?

A. No, sir. I understand, looking at these pictures.

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Q. Do you recall receiving any such instructions?

A. No, sir, I did not.

Q. I want to read to you paragraph 5 of that directive entitled "Responsibilities", and see if that might refresh your recollection as to hearing any instructions given to the men in the IO detachment.

"Responsibilities:

a. It is the responsibility of all military personnel having knowledge or receiving a report of an incident known to be a war crime, to make such incidents known to his commanding officer as soon as practicable. Personnel performing investigative, intelligence, police, photographic, graves registration, or medical functions, as well as those in contact with the enemy, will, in the normal course of his duty, make every effort to detect the commission of war crimes and will report the essential facts to his commanding officer. Persons discovering war crimes will take all reasonable actions under the circumstances to preserve physical evidence, to identify witnesses present, and to record (by photographs, sketches, or descriptive notes) the circumstances and surroundings."

I wonder if you recall receiving instructions with respect to MACV Directive 20-4 at any time while you were with the 11th Brigade?

A. I may have received the directive, sir. The words are familiar. I can't recall giving--being given a briefing before we went overseas or not. I picture those on a card form. A card that was--

Q. (Interposing) Was the specific responsibility of photographers brought home to them?

A. Not by me, no, sir.

Q. Are you aware of anyone else giving the photographers instructions as to their specific and special responsibility as outlined in MACV Directive 20-4?

A. No, sir.

COL WILSON: Sergeant, have you been approached by anybody concerning the legality of HAEBERLE selling his film?

A. No, sir, I haven't been approached.

Q. Do you recall any Army Regulations or technical regulations, any Army publications which would include a requirement for Army photographers to provide their film to the Army?

A. No, sir.

Q. While on duty?

A. No, sir.

Q. Have you ever been to a photo school?

A. No, sir. I haven't.

Q. Where was the 52d MID? It was attached to the brigade, wasn't it?

A. We had a MI detachment in back of us. I don't know the numerical designation of it.

Q. But that was close to your tent?

A. Yes, sir. It was right in back of it.

Q. Did you ever see any photographs which were procured by that Military Intelligence detachment?

A. From us, sir?

Q. No, from the field or anywhere, through intelligence channels?

A. I think they had one there of a Vietnamese. He was in a basket with his arms and legs blown off. I think they showed everyone in our shop that. This is one--I don't know, sir. The individuals were friendly. One of the individuals in the MI Detachment was acquainted with a spec 4 in the headquarters company. I think he showed everybody that picture.

Q. Where did he get it?

A. I don't know, sir; from the MI detachment.

Q. Was it explained as to what had happened to this individual?

A. He said that he was a--someone whom the Vietnamese

had found, or the Viet Cong had found, and put grenades in his hands and legs.

Q. This was a VC atrocity?

A. Yes, sir, this is the way it was explained to me.

Q. Did you know that HAEBERLE was collecting a series of films on VC atrocities?

A. No, sir, I did not.

Q. Did you at any time, from anyone, hear that there was an investigation concerning this operation being conducted?

A. No, sir. I thought about this, and I don't recall anyone saying anything about an investigation. No one approached me about pictures or anything like this.

Q. Nobody asked you any questions concerning an investigation?

A. No, sir.

Q. Or no one you knew was asked questions concerning this operation?

A. Not that I know of, no, sir.

Q. Sergeant STONICH, do you have any further testimony, any additional information, that might help us in this investigation?

A. No, sir, I don't think I have. I have a couple of questions that I would like to ask, off the record if I might. I'm a little concerned about it. I would like to discuss it with you, off the record, if I could.

Q. I can't go off the record.

A. Approximately 2 weeks ago--well, the last time I had seen HAEBERLE was when he left Vietnam. The last time that I had seen Specialist ROBERTS was in January of last year. At that time he came to New Orleans for Mardi Gras. We went out, and I had a drink with him and a buddy of his who was

in the 196th. He didn't say anything about this incident or anything. We were just shooting the breeze. However, 2 weeks ago he gave me a call again, and he was back down in New Orleans, and he had said he had been in front of the Peers Committee and so forth, and he had spent a lot of time here. And he indicated that somehow all the negatives were missing from the 31st Photographic Detachment photo lab. I asked him what had happened to them, and he said he didn't know. I left in August before the others did, and I was just wondering. It seemed like a coincidence that he was down there, and a couple of days later I got the orders to report up here. He had no reason for being in New Orleans that I know of. He doesn't have his parents down there--people down there.

Q. I don't think I get the relationship of your--of what your problem is. I think this is very interesting information, and let's be sure I understand it correctly. You were called by HAEBERLE?

A. By ROBERTS.

Q. And ROBERTS told you that the negatives had disappeared?

A. This is what he told me, sir.

Q. And this was 2 weeks ago?

A. About 2 weeks ago. This is why when I saw all these pictures, they had to be made by a negative. I couldn't understand why he had said they disappeared, making a statement like that.

Q. Well, he was talking about disappearing from the 31st?

A. Right, sir.

Q. What did he mean by disappear?

A. This is what I was wondering. I asked him, "Do you mean someone took them, or they're lost, or what?" And he said, "The MID man couldn't find them." I told him, "They were right there in the photo box." And he says, "No, they were not."

Q. Well, you recognize that we do have some missing records of photographs, based from the number system on the roll which is shown on the contact sheet.

A. Right, sir.

Q. We do feel that there might be some more photographs.

A. Right, sir.

Q. Which is one reason that we wanted to talk to you in detail on this subject, to see if you could throw any light on whether the photographs were missing or if you had seen any photographs besides what we have shown you.

A. No, sir, not that I can recall.

Q. The question of photographs being missing from the 31st as of our telephone call of 2 weeks ago has nothing to do with you.

A. No, sir.

Q. We were trying to locate or trying to determine whether we have all the photographs which were taken by HAEBERLE when he accompanied Task Force Barker on that operation.

A. Yes, sir.

Q. Do you have a question on this?

A. No, sir. He said that all the negatives were missing, and I see pictures here, and I know that he is not telling the truth.

Q. It may have been a misunderstanding, or he may not have expressed it properly, but he's aware that we've got most, or the majority if not all, of the prints that were taken on that operation.

Q. What was the item HAEBERLE sent back some years ago to the 11th Brigade.

A. When he left brigade, he went to California. He made

a tape, and he sent the tape back to us at 11th Brigade, and we all listened to the tape. He was, I gathered, lying on the floor with some women. It was just a bunch of talk. I haven't seen HAEBERLE since.

Q. And who came to Mardi Gras?

A. That was ROBERTS, sir.

Q. That was about February--

A. (Interposing) That was January of last year.

Q. At the time he came down there last year, did he have anything to say about this investigation?

A. No. He just called me up and I met him outside and we went to a bar and we had a couple of drinks. He had with him this buddy he was staying with, and he said he would contact me again later. He never did contact me, and he showed up again a couple of weeks ago.

Q. Now, did you have any other questions?

A. No, sir. This is the only thing that concerned me a little bit.

Q. I see no reason for you to be disturbed about it because the only thing that interests us, from the standpoint of film, was whether you could tell us if there were any photographs missing which we don't have.

A. No, sir, I couldn't really tell you. Looking at the books there, I see pictures that I've never seen. I couldn't say exactly what pictures were shot in that operation.

Q. Sergeant, did it occur to you that what you read from the Americal Division document (Exhibit M-23) could have been the nightly report? It said "yesterday." That nightly report could actually consist of a possible news release as well as just a report as to what happened that day.

A. It could, sir. The ones that I have seen are concise.

They never had news release numbers on them or anything. This is why I thought this might have been flown up. It's pretty lengthy.

Q. Pretty long to call over the telephone?

A. Yes, sir.

Q. Do you have any further statements?

A. No, sir.

Q. Any further information that might assist us?

A. No, sir, I don't.

Q. Were you ever told by anyone not to discuss incidents that may have involved killings or atrocities?

A. No, sir.

Q. I would like for you to keep in mind, sergeant, when you go back to your duty station and to your home, that if you should find any documents or additional photographs or letters or anything that might assist in trying to build a picture of what happened here, that we would certainly appreciate it.

A. The only thing I have is Sergeant STANSEL's phone number and possibly his address at home. I can send that up.

Q. We want to get that before you leave.

A. I don't have it with me. I can call my wife and have it tomorrow morning.

Q. You can arrange with Major THOMAS and you can either call us back or we can make the phone call, whichever way you want. We are interested in that.

A. Yes.

Q. Second, we'll have to make arrangements to give him his photographs back.

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A. You can keep those, sir.

Q. I think we should try to make prints of them. We have the numbers on the back of these prints.

Do you know if in the brigade area there was any problem with marijuana?

A. No, sir. I heard discussion of it. I don't recall who was discussing it. I think it was this fellow from the MI detachment. Something about some troops or one of the infantry companies were using it. There was just discussion. He said he thought they might be using it.

Q. Which company?

A. I can't really say, sir.

Q. Was it Task Force Barker?

A. No, sir, it was in base camp.

Q. Was this a problem or was this just a couple of kids experimenting?

A. There wasn't a problem, no, sir, not that I'm aware of. This was just a discussion. I never heard of any problem of marijuana.

Q. Sergeant, I would like to inform you that you are ordered not to discuss your testimony in this investigation with others, including other witnesses for the investigation, except in performance of official duty or as you may be required to do so before competent judicial, legislative, or administrative body. I don't think that you will be called. In case you are called before a Congressional committee or court-martial, this warning has no effect. Also, you are cautioned that if you are subject to an order issued by the military judge in the general court-martial case of United States v. Calley, your appearance here in no way changes the effect of that order.

A. Right, sir.

Q. Do you have any questions on that?

A. No, sir.

COL WILSON: We appreciate your coming in. We appreciate very much the exhibits which you have provided, and also the names of your section there. Unless you have any more questions, that will terminate the hearing.

(The hearing recessed at 1619 hours, 20 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: STROP, Jerome M.

DATE OF TESTIMONY: 5 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Clerk in S2 section, 11th Infantry Brigade, April 1968 - March 1969.

1. RESPONSIBILITIES AND DUTIES OF THE WITNESS.

In the period of interest the witness worked in the 11th Brigade TOC taking messages for the brigade. On 12 August 1968 he took over the job as classified documents control clerk. He held this job until 24 March 1969 (pg.3). He kept all secret documents in his safe (pgs. 3, 10). He was unfamiliar with Sergeant GERBERDING's file (pgs. 3, 4).

2. HANDLING OF DOCUMENTS BY THE WITNESS.

The witness could not recall at any time securing papers for Colonel HENDERSON (pg. 4). He inventoried items in the classified documents safe, but in no other (pg. 4). When Sergeant CAMELL took over the duties of Sergeant GERBERDING, the witness also assumed the responsibility of preparing the INTSUM (pg. 5). He testified that to the best of his knowledge CAMELL never changed anything in the files (pg. 6). He could recall no envelope in the S2 safe which was being safeguarded for either HENDERSON or Lieutenant Colonel BLACKLEDGE (pgs. 6, 7). Confidential documents control was rather lax and whoever signed for one assumed complete responsibility for it (pg. 12). Any confidential documents turned back to S2 were filed by GERBERDING in the S2 safe (pg. 13).

## 3. KNOWLEDGE OF PERTINENT PAPERS.

The witness stated that he had no knowledge of HENDERSON's report, nor of its inclosures (pgs. 7, 8). The witness testified that he noticed files pertaining to geographical areas in GERBERDING's safe, though he was not familiar with them (pg. 14). He added that he had never seen any correspondence from Colonel TOAN or from any district or province chief (pgs. 14, 15). He said that he had never seen any correspondence directing an investigation (pg. 15). The only VC propaganda he had seen was that which was captured while he was there (pg. 15). He asserted that he had never seen anything which might have been related to HENDERSON's report (pg. 16).

## 4. OTHER INFORMATION.

a. Paper used in the S2 section.

The witness could not recall having used green onion skin paper in the S2 section (pgs. 8, 9).

b. Knowledge of the incident.

The witness asserted he had heard nothing to indicate that an incident as reported had ever taken place (pgs. 17-20).



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(The hearing reconvened at 1605 hours, 5 February 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

The next witness is Mr. Jerome M. STROP.

(MR STROP was called as a witness, was sworn, and testified as follows:)

State your full name, occupation, and address for the record.

A. Jerome M. STROP. My occupation is student. My address is Route 1, Tony, Wisconsin.

IO: Mr. STROP, on my left is Mr. MACCRATE who is a civilian attorney. Mr. MACCRATE has volunteered his services to the Secretary of the Army, Mr. RESOR, to assist in the conduct of this investigation, and he also provides legal counsel to me and the other members of the inquiry team. On my right here is Colonel ARMSTRONG. Colonel ARMSTRONG has been designated by General WESTMORELAND, our Chief of Staff, as an assistant in this investigation. Beside myself, both Mr. MACCRATE and Colonel ARMSTRONG may address questions to you this afternoon. We have other groups such as this which are taking testimony from other individuals. It will be my responsibility however, to put together the report, weigh the evidence and determine the findings and recommendations.

Now, I ask, have you had an opportunity to read the instructions given you concerning the nature and purpose of this investigation (Exhibit M-57)?

A. Yes, sir. I have.

Q. Do you understand them or do you have any questions concerning them?

A. No. I understand them, sir.

Q. Would you indicate what your duty assignment was within the Americal Division, when you joined and any changes of assignment you may have had and the date when you terminated your assignment?

A. Sir, I arrived at the Americal Division in April 1968 and was assigned to D/1/3, 11th Brigade. I went to that company, and I was their company clerk until the end of April 1968, at which time I went up to the 11th Brigade headquarters, in the S2 section. I worked in the S2 section from the end of April 1968 until March 1969 when my service in Vietnam terminated.

Q. Mr. STROP, the so-called My Lai incident which is supposed to have taken place in March 1968 became a matter of public information about 4 or 5 months ago, towards the latter part of September or October of last year. It hit the newspapers, magazines, television, radio, and perhaps other media. Since that time have you talked to anybody from the Americal Division concerning what transpired at My Lai at that time or concerning the reporting or investigation of such an incident?

A. No, sir. I haven't talked to anybody from the division until today when I got sent here.

Q. Who did you meet?

A. Sergeant BLOCKER and Sergeant DELGADO.

Q. Did you have any discussion with them concerning this incident?

A. No, sir. I didn't.

Q. We are interested, Mr. STROP in determining the handling and the processing of certain documents. Mr. MACCRATE, on my left, has been following very closely these documents. I am sure that he has some questions which he would like to address to you so I will defer the questioning at this time to him.

MR MACCRATE: Would you describe your duties in the S2 section of the brigade?

A. Yes, sir. When I arrived in the section in April

I first just typed a few letters and eventually worked into the intelligence summary. I learned how to type that and I worked in the tactical operations center just taking the messages for some time until 12 August 1968 when I took over as classified documents clerk. At that time I handled all the classified documents that came into the 11th Brigade and disseminated them. I also took over the responsibility of the intelligence summary at that time. I would check it over each night when it was finished and make sure it was set up and everything was in it that should have been in it. I kept that job until I left the battalion on 24 March 1969.

Q. We get the impression that you had a pretty good knowledge of what was in the S2 office insofar as where things could be found and the files and how they were maintained. Was that included in your responsibilities of keeping track of the files and seeing that things got into them, and that they could be located when needed?

A. I had the complete responsibility of all classified documents and I didn't know anything in the other files, like the S2 sergeant had his own files. There was no classified information in his file. All the classified information had to go into my file and I would record it and everything that had to be done to it would be sent either to the division or a battalion, if it was appropriate.

Q. You say classified. Was this confidential, secret, top secret? What were the levels of classification that you were handling?

A. It was all confidential or secret. We never had anything above secret.

Q. What were the files that Sergeant GERBERDING maintained?

A. He maintained all the files or records of training that pertained to intelligence, or any letter or DF that he had to send out to any organization. He maintained a file of that. I wouldn't have been able to locate it in his file because I never took care of that file.

Q. Was that a hands-off file for you or did he sometimes send you to get things out of it?

A. It wasn't a hands off, but it was a matter of I did not know where anything was, so I maintained a hands-off policy.

Q. Did he, in addition, keep some files in his desk that you were aware of?

A. No, sir. His Army regulations were the only things that he kept in his desk.

Q. Do you ever remember seeing a "special hold" envelope in his desk drawer, that he kept there for some period of time?

A. I never saw anything. I had the opportunity several times to go through it looking for different forms and different regulations that I needed. I never found anything in it, any "hold" or anything like that in his desk.

Q. Did you or were you familiar with the office of the commanding officer, Colonel HENDERSON?

A. No, sir. I wasn't.

Q. Did you ever happen to be sent there to deliver anything?

A. Yes, sir. In that office almost every morning, because I had to make up the report on all the information that came in during the night. I had to make up a file and take it up to the executive officer. He would read it and I would take it down to the commanding officer's office and leave it on his desk.

Q. Do you recall whether Colonel HENDERSON had a safe in his office?

A. No, sir. I don't.

Q. Do you recall at any time his delivering papers to be placed in safe keeping in the S2 safe?

A. No, sir. I don't recall any time that he brought any.

Q. By the time you arrived Colonel BLACKLEDGE was just about to depart and then Major SCHLEICHER became the S2 very shortly after you arrived?

A. Yes, sir. Colonel BLACKLEDGE was there one day when I was there. I met him and that was all.

Q. Now, with your responsibilities in the S2 shop, did you from time to time or at any time make an inventory or assist in the making of an inventory of the contents of the S2 safe?

A. No, sir. I never did. The only necessary inventories were the ones of the classified material which would have been in my safe. I don't recall any inventory ever being made of any other safe.

Q. When you assumed the responsibility, did you inventory what was in the safe?

A. Yes, sir. We had two safes. One was for the S2 and the other one was for the classified documents. I inventoried only the classified document's one. That was when I was getting the responsibility.

Q. Did you have the same function after Sergeant GERBERDING left and Sergeant CAMELL replaced him?

A. Yes, sir. The only difference then was that I possibly gained more responsibility as far as making sure the INTSUM was out. Other than that, my responsibility was identical.

Q. Was this because Sergeant CAMELL delegated more or because you were just getting more experience and being given more responsibility commensurate with your experience?

A. I would say it was because Sergeant CAMELL didn't really know the whole operation at that time. He had just come and he didn't really understand the whole operation of the intelligence summary and the totals and everything that we had to put in it. I knew it, by that time, quite well.

Q. Do you have any recollection of any reorganization of the files in the S2 shop in or about December 1968?

A. No, sir. We've never gone through our files. I've never gone through it and I was in the office from 8:00 to 8:00 every day, 7 days a week.

Q. Sergeant CAMELL would have us believe that the files were not in very good shape when he arrived and he improved on them? Would that accord with the way that you saw it, being the file man before and after he arrived?

A. No, sir. I don't recollect him ever going through the files. To my knowledge, Sergeant CAMELL knew very little about the file system and how it should be set up and also about a lot of the operations and communications. For instance, how to set up letters and that. He would tell me to do it. He never changed anything in his file.

Q. Mr. STROP, do you recall any file in which reports of investigation, either those that had been prepared by brigade and sent on to division or those that were submitted by battalions, for example to brigade, were kept in the S2 shop? Do you recall seeing any reports of investigation as a file?

A. When you said that, I thought of the one. The one that I remember was when we would lose SOI's and that and we would have to investigate, but other than that I don't recall any.

Q. Do you remember Sergeant GERBERDING having an envelope which was labeled, "Sergeant GERBERDING, Personal," or something of that sort that he maintained around his desk?

A. No, sir. I don't.

Q. Did you ever see such a file in the S2 safe when you were going in and out for other papers?

A. No, sir. I never saw an envelope of that nature.

Q. Did you ever see an envelope that indicated that it was being held in the S2 safe for Colonel HENDERSON and for his eyes only or something that indicated that this had been put there by Colonel HENDERSON or possibly Colonel BLACKLEDGE for him and was to be held just for him?

A. No, sir. The only envelopes that I saw of that

nature were ones that I received. There were documents from Americal and I would deliver them to the commanding officer depending on where they were going. He would deliver the message back to me and I would have to log it in and everything.

Q. What kind of messages were these, normal intelligence reports of one sort or another?

A. Yes, sir. Conditions or something of that nature.

Q. Mr. STROP, I'm going to show you now a document that comes out of the S2 safe at Duc Pho and it's been marked here as Exhibit R-5. I would like you first to examine the first two pages of the document.

Mr. STROP, do you ever remember seeing such a document in the files of the S2 at the 11th Brigade?

A. No, sir. I don't recall this.

Q. You see the notation in the upper right-hand corner of the first page? Can you interpret that for us in accordance with office practice?

A. When he filed something Sergeant GERBERDING would write on it "file" and then initial it for his files so that he would know what he wanted filed and what he didn't just by looking at his book. I'm pretty sure it must be his marking there, "RK" something.

Q. "RKB?" Those are the initials of Colonel BLACKLEDGE. That would be the general office notation of the person that was directing that it be filed?

A. Yes, sir.

Q. Now, I'd like you to turn to the next two pages which has a little pencil notation at the bottom of inclosure 2. It may be that you would have seen these two sheets of paper in any number of places and they may not have been attached to the report of investigation that you just read. I would ask you after you have examined it and looked at both pages of the document whether you ever recall seeing anything similar to that while you were with the 11th Brigade at Duc Pho?

You might find that the distinctive character of it begins to appear on the second page?

A. I've never seen this. I believe the descriptive characteristic you are talking about must be the writing on here?

Q. Well, we were referring to the second paragraph at the top of the page where you find a little more, specification than the general kind of Viet Cong propaganda. You see there the reference to events on 15 March and specific reference to Son My village and in Son Tinh District and an alleged killing of more than 500 people. Do you ever recall either seeing this document or any similar document while you were with the 11th Brigade?

A. No. I've never seen this document before.

Q. Now, if you will turn to the final page, the green sheet headed "Statement, 14 April 1968." I'd like you to read that.

A. Okay.

Q. Do you ever recall seeing that document before?

A. NNo, sir. I don't.

Q. You'll notice that it is on green onion skin. Is that the kind of paper that you used in the S2 shop at Duc Pho? Can you remember whether you had green onion skin there?

A. I remember white and yellow. We had different colors, but I don't specifically remember green.

Q. Your recollection accords with others. Do you recall which sections or units at Duc Pho used green paper?

A. No, sir. I don't. When I was down in the company I know that we had trouble getting any onion skin and what we did get was white. Up in the S2 we would always get it. We mainly used white and we had some yellow.

I do not remember any green. I don't even recall seeing any green. We borrowed several times from the S1 and that was always white that we got.

Q. Have you ever seen this format used that's reflected in the report of investigation on the first two pages? Is that a form that you would use for something typed in your section?

A. Yes, sir. I believe that would be the form we would use.

Q. You would see nothing unusual in the form of the letter?

A. The only thing that I can see here, I believe the word "subject" should be down below. I'm not sure, but it pictures to me that the subject should be down below.

Q. Beneath the addressee?

A. Yes, sir.

Q. Was this customary in other offices at Duc Pho to place the subject at the top? I realize this is hard for you to go back, but it may be that sometimes these things ring a responsive chord to someone?

A. The customary thing for us to do is to follow the AR. If anyone asked me how to type a letter I would go to the AR and set it down in front of them. I mean I didn't remember how to set up everything because the AR was always there and convenient to follow.

Q. You'll notice the notation in the upper left, that "XICO". Are you familiar with that notation?

A. That would be the 11th Brigade commanding officer.

Q. Do you recall ever typing any letters in the 11th Brigade?

A. No, sir. I never did. I was asked several

times to do it, and I always understood that the S1 had a typist to type letters. I would say that I had my documents to take care of and the other things. They would always take it down to the S1, because I wouldn't do it.

Q. Do you recall who the S1 typist was?

A. No, sir. I don't. I don't know who typed up this material, but we had one clerk who was his main typist.

Q. You'll notice that R-5 has been stamped confidential. If such a document had come into you for filing while you were handling filing in the S2 office, where would you have filed such a document?

A. If this document were to have come into my hands I would have given it to Sergeant GERBERDING and he would have designated whether he wanted it in his or in mine.

Q. Well, I understood that all classified documents were in your hands, and therefore if this was delivered to you as a classified document for filing, where would you have put it?

A. You mean in the office? Someone in the office or out of the office?

Q. Someone in the office. If Sergeant GERBERDING had said, "Here, you have this letter for filing and it's confidential. I want you to put it where you keep your confidential documents." Where would you have put a confidential document of this kind?

A. The confidential, such as letters, were kept in his safe. I said earlier that I took all the confidential and everything, but I remembered I just kept the secret. He kept the confidential, except if the confidential applied to a secret. I was thinking of earlier when I was in Germany I kept everything, but here he kept the intelligence summaries also, along with letters.

Q. Sergeant GERBERDING had his own safe?

A. It was the S2 safe. Sergeant GERBERDING and Sergeant STEVENS and the officers, the major, all had the combination to it. It was the S2 safe.

Q. Then there were sections in the safe that he was responsible for and sections that you were responsible for?

A. No, sir. There were two safes; the S2 safe and one was the classified document safe.

COL ARMSTRONG: The headquarters classified documents?

A. Yes, sir. I guess it would be part of the AG. I kept all secret documents and all the controls on them. I knew where every secret document went and who had it and all signatures for secret documents in my safe.

Q. Whether it went to the CO or the S3 or the S1 section?

A. I did.

Q. You were the classified documents control clerk for the headquarters?

A. Yes, sir.

Q. And you were located in the S2 section?

A. Yes, sir.

MR. MACCRATE: What were your responsibilities with respect to documents that belonged in the S2 section as distinguished from this duty you performed for the entire headquarters with respect to classified documents?

A. All documents would come into the tactical operations center during the night or else they would come in during the day. They would bring them into the S2 and one of the clerks in the S2 would sign for it. I would get just about all of them or else the major would get all the classified and then if it was secret they would give it to me. I would log it in, and whoever got it I would have to get a signature for it as you have to for secret documents. Confidential document, I would give it to Sergeant GERBERDING or later Sergeant CAMELL and they would decide where it should go. If it was a confidential document and it would be about training or something to

that effect or if it looked important I would take it right up to the XO's office or else to the S3 to distribute the confidential one to the S2. If it would be on resupply or supply I would take one copy to the S4 and one copy to the XO.

Q. With respect to the confidential documents, do I now understand that you had no responsibilities?

A. Right, sir. There was no complete controls kept of signatures or anything kept on those as long as they stayed within the headquarters. If someone out of the headquarters wanted a document and if it was a confidential they would have me fill out the, I believe it's a 1204, the signature form and they would have to sign to take out the document.

Q. What would happen to the receipt that they signed?

A. Sergeant GERBERDING would keep the receipt until they returned the document, and he would give them back the original and destroy the control on it.

Q. With respect to the confidential documents that you would turn over to Sergeant GERBERDING and later to Sergeant CAMELL, where physically within the S2 shop would they be stored?

A. During the day I would give them to them and maybe on the desks during the day.

Q. And at night they would hand over the confidential material back to you to put in the safe?

A. They took complete control of the confidential. All secret material I made sure I had before--

Q. (Interposing) I understand, but the confidential material, let's put the secret to one side because I am confused as to what happens to the confidential materials that are on the desk at the close of the day. Where do they go?

A. I believed that the confidential materials stayed on the desk.

Q. When they have served their present purpose and

they were to be filed, I gather that Sergeant GERBERDING would take care of the filing himself or would he ask someone in the office to file them for him?

A. Sir, Sergeant GERBERDING did the filing of the documents.

Q. Where would he then put them?

A. He had his file set up and each folder was identified and he would put them in the appropriate folder.

Q. Where is that file drawer that you are talking about?

A. It was one safe in the S2 that they kept all their materials and all letters.

Q. Is that safe separate from your classified documents safe?

A. Yes, sir.

Q. And it was a separate unit?

A. Yes, sir. It was two separate safes.

Q. Both with combination locks?

A. Yes, sir.

Q. With different openings for the safe?

A. Yes, sir.

Q. Did you have access to the safe in which the confidential papers were kept?

A. During the day if the safe was open, yes. If the major or someone would ask for a particular document and Sergeant GERBERDING wasn't there, I would open it up and see if I could find it for him.

Q. But you didn't have the combination for it?

A. The combination was stored in my safe. That

was the only combination in my safe. That was locked up in my safe.

Q. But you were not the one that opened it in the morning, were you?

A. No, sir.

Q. But you did sometimes go to it?

A. Yes, sir.

Q. Did you ever recall a series of files that were labled for the province advisory teams?

A. No, sir. I don't recall that.

Q. Or possibly just from the province, a file from Quang Ngai Province and another file for another province or possibly for the district. Was there any geographical filing of that sort that you can recall?

A. Yes, sir. I can recall a file for Quang Ngai, Duc Pho, Mo Duc, Minh Long, Ha Thanh and the other Special Forces that was out west of us. He had them divided up into areas.

Q. Do you ever recall having to go to the Quang Ngai file and the materials filed there and finding any materials relating to these matters that you've seen reflected in this report of investigation or the inclosures to the report?

A. No, sir. I don't ever recall seeing anything of this nature before in the files. I never went through them. I never recall what I would have to find in there, but he had them all written in that and labeled to what they were, so I'd just look on the heading for the one I wanted. I don't recall seeing anything of this nature on them.

Q. Do you ever recall seeing any correspondence from the commanding general of the 2d ARVN Division, Colonel TOAN or later General TOAN?

A. No, sir. I believe I had some correspondence

as to their operations, but it was secret and that's all I ever recall getting.

Q. Ever see any material from the district chief of Son Tinh District or the province chief of Quang Ngai Province?

A. No, sir. I don't remember any.

Q. Mr. STROP, I show you Exhibit M-30. The top copy bears the signature of "Angel M. RODRIGUEZ," assistant district advisor at Son Tinh. The second undersheet is a true copy which is a little more legible. Do you ever recall seeing a document such as that in the files of the S2 at the 11th Brigade?

A. No, sir. I don't remember anything like this.

Q. Do you remember Captain RODRIGUEZ? Did you ever meet him?

A. No, sir. I don't believe I ever met him.

Q. Do you recall any correspondence that you may have seen from the Quang Ngai advisory team to the commanding officer or possibly the S2 of the 11th Brigade, forwarding VC propaganda?

A. No, sir. I don't. The only propaganda I recall is that which we captured while I was there. I don't recall any other propaganda.

Q. Do you ever remember seeing a directive from the commanding general of the Americal Division to the commanding officer of the 11th Brigade directing that an investigation be made by the 11th Brigade in respect to a complaint which had been received by the commanding general from the Vietnamese, specifically the commanding general of the 2d ARVN Division?

I show you M-33 and you see here the Vietnamese copy and an English translation on top of it which is similar to something you've been looking at before. Do you recall seeing that piece of VC propaganda?

A. No, sir. I don't recall it.

Q. I'd like you to look at M-35, which is another piece of VC propaganda. We've had some indications that this may have come from the fire base at LZ Uptight or a similar piece of VC propaganda was delivered there. You'll see the Vietnamese again, a three-page flyer and on top of it is an English translation. I'd like you to look at that and you'll notice that there are some details in it that might catch the eye as being a little unusual, if one were to see it?

A. Right.

Q. Do you ever recall any VC propaganda of that nature coming to your attention?

A. No, sir. I don't.

Q. You remained at the 11th Brigade until what time in March 1968?

A. It was the end of March, about 24 March 1969.

Q. Did you, at any time hear of a request being made to locate a report of investigation in the files of the S2 for which you were asked to assist in a search?

A. No, sir. I don't.

Q. Our information would suggest that any such request came at a later time. Who succeeded to your responsibilities in the S2 office?

A. Tom GARDNER took over and he was just going to take over the classified documents. Ron CREED stayed in the office and was pretty much the head and pretty much knew what was going on. He would have been the one after me to take control of the office itself. Tom GARDNER took over the responsibility of the classified documents and he really didn't have any idea of the operations of the section.

COL ARMSTRONG: Let's go back to when you first arrived in Vietnam and when you were in the 3/1. You went in as the company clerk?

A. Yes, sir. I was just assigned to the company and I talked to the first sergeant and told him I had been a clerk in Germany in their S2 section, and he said that he needed a company clerk since he was losing his shortly. He told me he would try me out for the position.

Q. Do you have any idea why that company clerk departed?

A. He was ETS, sir.

Q. Where was the 3/1 Battalion rear located when you joined them?

A. LZ Bronco.

Q. You were at LZ Bronco?

A. Yes, sir.

Q. Did you get to know the company clerks of the other companies?

A. No, sir. Just the Charlie Company and Delta Company. I knew both of their company clerks.

Q. You were in Delta Company?

A. Charlie and Echo, sir.

Q. You never got to know Alpha and Bravo?

A. No. I was only there for about 3 weeks.

Q. While you were there, did you get to see the men of the company very often?

A. I believe they were in the rear twice while I was there.

Q. For a day or 2 standdown?

A. Yes. They would come in for a day and have to go out again.

Q. Did they tell any big war stories?

A. Not really. The first day I was there, they were telling a few war stories and I think they were trying to scare the new recruits that were coming in.

Q. Was any one company given credit for being more fighters than anyone else?

A. No, sir, not in the brigade.

Q. In the battalion?

A. Not in the battalion that I can recall. They talked about Charlie Company as being a good company.

Q. But they didn't talk about Alpha Company being real hot? Tigers?

A. No, sir. Not while I was there.

MR MACCRATE: You're talking about these companies in the 3/1?

A. Yes, sir.

Q. While you were at Duc Pho, did you ever hear any rumors that anything unusual had gone on in Son My village in the eastern end of Son Tinh District, in the course of operations there by Task Force Barker, in March 1968?

A. No, sir. I didn't. I heard Task Force Barker mentioned as a good operation. That's all I ever heard mentioned of it. I heard that from a kid that I was working with in the headquarters section.

Q. Did you ever hear any rumors that were critical to their operations; the way they carried on or the way they were turning in inflated body counts or anything like that?

A. No, sir.

Q. Did you ever hear anything about a confrontation between a helicopter pilot and ground troops of Task Force Barker in which the guns of the helicopters were turned on the friendlies?

A. No, sir.

Q. Did you ever hear about the indiscriminate killing of women and children and such suggestions about any operation in Task Force Barker?

A. No, sir. While I was there everyone seemed against it, doing anything like that. They would get extremely angry if a company shot a POW or something. They would send them out on a specific mission just to get POW's and that's what they wanted.

COL ARMSTRONG: What was your reaction when this broke in the news?

A. I was extremely surprised. I first looked at the area they mentioned of Quang Ngai and they said the 11th Brigade and it really hit, because I never heard a thing about it before. I was real surprised.

Q. That's just the point. You arrived there in the brigade shortly after this occurred or supposedly occurred, and were the men in the brigade the kind of men that would do this sort of thing? I mean does that surprise you at all from that standpoint?

A. The report extremely surprised me because I talked to most of the commanders, due to the position I was in. It really struck me because it didn't seem like any of them would do that. It really surprised me because I never expected that. They seemed like they were there because they had to be there and would never just think of doing anything like that.

Q. Did you ever hear of any court-martials held on men for raping or murder?

A. No, sir.

Q. You never heard of any investigations of such crimes being committed?

A. No, sir. I never heard of any investigations of that type.

Q. I'm not just talking about the brigade. I'm talking about throughout the division.

A. No, sir. I never heard about any being held. There might have been some, but I never heard of any. I never had any information on them.

MR MACCRATE: Mr. STROP, we have shown you various things today to which you appear to have been in close proximity but perhaps never have seen. If in any way it should refresh your recollection about something that you heard or saw and that you had long since forgotten about, we would certainly appreciate your letting us know. If you have any documents or other materials that could shed any light on what we are putting together here, as you can see around you, we have assembled a great deal of documents and have a pretty good idea of what went on. The investigation was made and reports on that and the review of it. We are trying to fill out little pieces here and there. If you do have anything that you feel could help us in that respect we would appreciate it if you would bring it to our attention. Do you have any questions you would like to ask of us or any statement you would like to make for the record.

A. No, sir. I have no questions for you. If I would have seen these documents and the My Lai investigation coming up it wouldn't have surprised me a bit. Nobody ever mentioned it in the section ever. I never even heard of it before. If the whole thing took place it must have been an awful hush-up deal, because I arrived in the brigade about that time and in the section shortly in the end of April and I started typing things right away and I never saw any of them.

Q. We appreciate your coming in very much, Mr. STROP. In the case of military witnesses they are directed not to discuss their testimony before this inquiry, either with other witnesses or with anyone else. In your case, as a civilian, we would request you to treat this as a confidential matter as this investigation is being conducted. We particularly are anxious to get the views and the recollections of individuals unaffected by an exchange of information between them so that we really can get to the bottom of this and know what went on, so we would request you to respect the confidentiality. There is a

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possibility that you might be called before a military tribunal or an administrative or legislative body such as the investigating subcommittee of the House Armed Services Committee. In that event our request that you treat these matters in confidence would, of course not be applicable, but I do not anticipate that you will be so called from your particular vantage point and your acquaintance with matters, but I just say that to make clear what our request is of you.

A. Yes, sir.

MR MACCRATE: We will recess at this time.

(The hearing recessed at 1705 hours, 5 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: VEATCH, John B. MAJ

DATE OF TESTIMONY: 23 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Company Commander,  
A/4/21, 11th Brigade S4, 25 June 1968 - 6 November 1968,  
11th Brigade S2, 6 November 1968 - March 1969.

1. KNOWLEDGE OF THE OPERATION.

VEATCH never saw HENDERSON's report or its inclosures (Exhibit R-5) or RODRIGUEZ's report (Exhibit M-30) (pgs. 5, 6). Although he worked closely with Major PHO, he never saw the VC propaganda leaflet, and he never heard anything about the unnecessary killing of civilians in mid-March (pgs. 6, 11, 12, 14). He never heard of an investigation conducted by either brigade, division, GVN or ARVN into activities in the Pinkville area (pg. 13). He heard a rumor about 400 to 800 Vietnamese being kidnapped by the VC at the end of March north of Quang Ngai City, but there was no formal investigation (pgs. 13, 14). He did not hear about 70 to 80 women and children being killed by the VC on Hill 85 in mid 1968 (pg. 14).

2. FILING PROCEDURES.

When he was S2, VEATCH had a SP5 who had a complete list of what was outgoing (pg. 9). There were no documents in the file which he had to check or sign for (pg. 9). Items not in the log did not have to be inventoried (pg. 9). His section logged in confidential documents and had to sign a receipt for them (pg. 10). He would not have had to check something marked personal which was not entered into

(VEATCH)

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the log and which had no classification (pg. 9). The witness never saw a file in the S2 safe which contained the personal papers of Colonel HENDERSON (pg. 4). The files were cleared of items which were no longer of intelligence value while he was S2, but no documents were retired (pgs. 10, 11).

(VEATCH)

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(The hearing reconvened at 1800 hours, 23 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG and MAJ LYNN.

Sir, the next witness is Major VEATCH.

(MAJ VEATCH was called as a witness, was sworn, and testified as follows:)

Major VEATCH, for the record, will you please state your full name, grade, Social Security number, organization, and station?

A. My name is John Bean VEATCH, Social Security number is , Detachment 3, United States Army Infantry School, Fort Benning, Georgia.

IO: Major VEATCH, have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir, I did.

Q. Do you have any questions concerning them?

A. No, sir, I don't.

Q. On my left is Mr. Robert MACCRATE, a civilian attorney, who volunteered his services to Secretary RESOR to assist in this investigation and also to provide legal counsel to me and other members of this inquiry. On my right is Colonel ARMSTRONG who has been designated by General WESTMORELAND, the Chief of Staff, to assist in the conduct of this investigation. Both of these gentlemen may ask you questions as well as myself this afternoon. We have other groups such as this. They're likewise taking testimony from other individuals. I will have the responsibility to pull the report together, weigh the evidence, and make the findings and recommendations. As a military officer you are ordered not to discuss your testimony in this investigation with others, including those who may appear before this investigation as witnesses, except

as it may be necessary in the performanace of official duty or as you may be required to do so before a competent administrative, judicial, or legislative body. I mention this last one; I don't think it will come about. But in the event that you are required to testify before one of the committees of Congress and more specifically, the investigative subcommittee of the House Armed Services Committee, your testimony here would in no way preclude your testifying before such a body. To my knowledge you have not been cited or cautioned by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. That's correct, sir.

Q. I do not think you will be, from what I know of your service. But I would say that in the event you are called, your appearance here and your testimony here would in no way change the applicability of the instructions by that judge or by any of the other judges of any of the other general court-martial cases which may eventuate from the My Lai incident.

Q. Do you have any questions at this time?

A. No, sir. I don't.

Q. Major VEATCH, would you indicate what your duty was with the Americal Division?

A. Sir, I joined the 11th Brigade which became a part of the Americal Division, on or about November 1967, in Hawaii, Schofield Barracks, the organization of the 4th Battalion of the 21st Infantry. The advance party of the 11th Brigade, left Hawaii in December and our battalion joined the rest of the 11th Brigade in Vietnam on or about the last day of March, because we just barely qualified to get combat pay for that month.

Q. March, 1968?

A. Yes, sir. The 31st I believe.

Q. What was your job?

A. At that time I was a rifle company commander of

A/4/21, and had been the entire time I was with the 11th Brigade. On or about the 17th of June I was promoted to the grade of major; and some 7 days later, I left my rifle company having just been informed that I had been promoted, and assumed duties as brigade S-4, 11th Brigade.

Q. Brigade S4?

A. Yes, sir.

Q. That was when?

A. That was on or about the 25th of June, 1968, sir.

Q. I see.

A. The latter part of October 1968, I went on R&R. Upon my return, which I knew before hand, I became the brigade S2. That was about the 6th of November.

Q. Yes.

A. And I stayed the brigade S2 until I departed that location in March of 1969.

Q. You were the brigade S2 about 4 months? Is that correct?

A. That is correct, sir.

Q. Now, this is the period we would like to discuss. We're interested in some of the papers that may have been in the S2 section, how they were handled, and your knowledge of them. We have followed through on this. Mr. MACCRATE, on my left, has followed these documents fairly closely and I would prefer to have him question you on them.

A. Yes, sir.

MR MACCRATE: Did you, in the S2 section of the brigade, have one or more safes?

A. Sir, I really have to search my memory here. If you can give me a minute, sir....

Q. That's what I'd like you to do.

A. I really have to search back, too, to remember about the S2 office. If I might explain, I functioned with the brigade commander, then Colonel, now General DONALDSON. I spent the majority of my time with him although I did have the responsibility and I did inventory each item there, the documents, et cetera. That's why I had to take a few minutes to stop and think about that. In the terms of a field safe, we did not have a field safe. In the terms of the office-type safe, which I can't remember the exact kind, it was one of the more modern ones with the dial and tumblers on it, at least one. A doorway is here, I believe there was two in the S2 shop, and I believe there was one in the S3 shop, sir. I don't homestly remember. I said believe because I don't remember.

Q. Do you remember any files labled "Security Classified System Files"?

A. No, sir, I don't specifically remember that file, I sure don't.

Q. You remember any envelope that you might have seen in the S2 safe that indicated that the papers were the personal papers of Colonel HENDERSON?

A. No, sir, I sure don't. The only documents that I know of in that safe were taken out of there when I inventoried. To the best of my knowledge, there were no personal documents in there of any kind. I went through all the For Official Use Only ones, et cetera, in that safe and I know there were no such documents.

Q. When you made an inventory, was this a written inventory?

A. Yes, sir, it's on a standard form.

You have a list of all documents signed for by higher headquarters. You go down and check each one of them off to make sure you do have them and account for all of your documents.

Q. Well, let me show you a document that had been found in the S2 safe at the 11th Brigade. This is the document that we are interested in finding out a little about. It has been marked Exhibit R-5. Here are the actual five sheets of paper as it came out of the S2 safe.

(IO hands document to witness.)

Do you ever remember seeing that document before?

(Witness examines document.)

A. Sir, to the best of my knowledge I have never seen it before. That specific one. That's not to say it didn't at some time get passed through my box, but I have never seen it to the best of my knowledge.

Q. I'd like for you to pause for a minute and take a good look at the document. The first two pages are a report, a carbon copy of a report. Then you'll see that there are two inclosures. The second inclosure seems to have been attached first, or what is noted as the second inclosure, and then the first inclosure.

A. Yes.

Q. I'd like you to look carefully at each of the attachments as well as the covering two-page report and search your mind as to whether you ever saw any copies of any of the three papers: the covering report, or either of the two inclosures?

A. This doesn't have a file or number on it, which is the only thing that perturbs me. I had a very conscientious clerk in there. If my memory serves me correct, he had a number on every one of these documents that were in that safe.

Q. Will you read it please?

A. I will read the document, but I'm sure I don't remember it.

(Witness does as requested.)

Q. While you're looking at the document indicated as inclosure 1, I'd like you to look at another copy of the same statement which has been marked M-30 and extend my question to cover that, whether you've seen a copy of it?

A. This one over here, sir? The same thing, sir?

Q. Yes, it's a clearer copy.

(IO hands document to witness.)

(Witness examines document.)

A. Yes, sir.

Q. And the question was, do you ever recall seeing either of those two documents?

A. Sir, I don't recall seeing any of the documents I have before me. The ones on the propaganda from the VC, I have seen similar ones. I don't know if they were the same ones as this one or not, but I've seen those on my first tour in 1964.

Q. Well, I'd like you to look at the second page of that propaganda. The first page is rather general, but you'll notice that the second paragraph at the top of the second page is of greater specificity.

A. Yes, sir.

Q. Do you have a recollection of a document containing that information?

A. No, sir, I don't know why I would. With all the myriad of reports that could come through, I wouldn't be able to remember something like that unless it was connected with a specific operation that was successful.

Q. We understand that. But I thought there might be, somewhere in the S2 materials that you were inventorying, several copies of these documents we've shown you. The indications are they originated in the 11th Brigade and that there was more than one copy of the document at an earlier time.

A. This might be, I don't remember.

Q. What we are attempting to do is to locate the various copies. And what we're interested in is any information you might have as to the copies of the documents.

A. Sir, I have no information. As I said, I'm not even sure of how many safes were in there, and I'm not too sure at this moment. I can't remember the exact filing systems that we used, because I honestly don't remember. I was more concerned with the practical aspects of my job as opposed to this, and I concentrated on being with the brigade commander.

Q. We understand that. You had an outgoing operation.

A. Yes, sir.

Q. Who was the chief enlisted person that you relied upon for the control of the files?

A. A master sergeant, E-8, with a German name who just came back from Germany. He got an award from General KOSTER over there. I can't remember his name right now. He got there either shortly before or shortly after I did. I think it was shortly after I got there. In fact it was afterward. There was an overlap, the old one was leaving and the new one was coming in. Both were senior NCO's. Lieutenant MCNAIR was my S2 air and I had a JAG officer who was my assistant S2. Offhand, I can't remember his name right now.

IO: Go back and sit in your desk there at the 11th Brigade, will you for just a minute?

A. Yes, sir.

- Q. Do you have a field safe sitting right beside you?
- A. No, sir.
- Q. Sure. You have a field safe in your office.
- A. Well, I could draw a diagram, sir.
- Q. No, I don't need a diagram. I just asked you to visualize your own office. Do you know what a field safe looks like?
- A. Yes, sir. I know what field safe looks like.
- Q. And whether there was one in your office or one in the immediate proximity?
- A. Yes, sir. There was one between the assistant S2 and my S2 air and it had no classified material in it. The lock was broken on it if I remember right. I honestly don't remember, sir. I seem to remember one, but I'm not sure.
- Q. Did you go through the files yourself? Or did you just have them stacked up so you could just check through them? Or did you have somebody else go through them?
- A. I had the E-8, but I had a SP5 who had the complete list of what we had outgoing. Major SCHLEICHER checked them over and I checked them over; not jointly, but we checked them over, sir.
- Q. Was that when you were taking over?
- A. Yes, sir, from Major SCHLEICHER.
- Q. Yes. And who replaced you?
- A. Major COX.
- Q. Major COX, all right.
- MR MACCRATE: Who preceded you?

A. Major SCHLEICHER, sir.

IO: And when you turned it over to Major COX, did you do the same thing?

A. Yes, sir. We did not have the inventory done at exactly the same time. Our duties precluded it, but we were required to sign by regulations.

Q. What did you have to check in your files as far as signing and responsibility. Did you go down through "For Official Use Only," or did you just have documents that you had to check?

A. We didn't have any, sir.

Q. Yes.

A. We had documents from division, except if it was a classification on our part somebody had put in for some reason it might not be in that file or in that log.

Q. Yes.

A. If it wasn't put on by the S2.

Q. If it wasn't in the log, then it wouldn't be inventoried then, would it?

A. No, sir. It would not.

Q. Something that was put in a safe in a envelope marked personal with no classification on it that wasn't entered into the log, would you check that?

A. No, sir. It should have not been in a locked safe, so I say it might have been in those two back there in the back. They were in that office, large office-types.

Q. Yes.

A. But I'm as sure as I can be that it wasn't in that one, the one with the lock.

- Q. Did you log in confidential documents?
- A. Did I personally? No, sir.
- Q. No. Did your section log in confidential documents?
- A. Yes, sir. They had to sign a receipt for the thing; get a pink slip.
- Q. Confidential?
- A. I seem to remember, sir. I can remember the pink slips and the documents coming in.
- Q. Well, this varied from headquarters to headquarters, but most generally a receipt was not required unless there was something special about the document.
- A. Yes, sir. The OPLANS, the contingency plans, they weren't classified. Some of them were, now; some of them weren't. But for the various Special Forces camps, those were all classified, you know. Yes, sir, we did sign for them for they were numbered.
- Q. When you were the S2, did you ever have a clearing of the files, where you destroyed documents?
- A. Yes, sir. We did.
- Q. And did you retire any documents at that time?
- A. To my knowledge there were no documents retired. No, sir.
- Q. Do you know how to retire documents?
- A. They have to go back up into filing. They go up the channel if I remember correctly, sir; and they end up being filed for permanent record if they are retired.
- Q. Yes.
- A. They are not destroyed.
- Q. As the G2, how would you retire documents?

A. I don't know, sir. I haven't read the regulation.

Q. You don't recall having done this although you might not know if it were done. If it were handled through the S1, who was the central repository for the brigade, would you assemble these documents to retire them and perhaps send them back direct or send them to division?

A. To my knowledge, sir, I did not know, at this point of the game, the procedures; and I did not know of any being retired.

Q. How great a conflagration did the cleaning of the files to burn the extraneous material create? How good a cleaning was that?

A. It was the things which were no longer of intelligence value, those I read. The assistant S2 went through and weeded out what he thought was no longer applicable, and then he would take them 4 or 5 hours to doublecheck through to make sure there was nothing of value to a successor. My predecessor did the same thing for me when I came in.

Q. It was cleaned before you got there and then you cleaned it again before you left?

A. Yes, sir. The definition of clean, sir; you have documents that are no longer needed so you get rid of them.

Q. I understand. I know that you have documents that you sign for, and if you did, for example, burn a document you'd have to sign a certificate of destruction.

A. Yes, sir.

Q. I understand all these things.

A. Yes, sir.

Q. While you were in the G2 business, as a matter of fact while you were with the 4/21 Battalion did you hear any rumors, or comments, or hear any statements to the effect that there had been some unnecessary killing of civilians along about the middle of March 1968?

A. No, sir, this is one thing--I searched back; this is the only question that I could conceive could possibly be asked of me by this board when I was coming down here, and I searched my memory and I can recall no instance. From the time we got there, I stayed there with the advanced party waiting for our company to come in for about 10 or 12 days and I did not hear anything of that nature.

Q. You were there the latter part of March?

A. Yes, sir. The last day of March was when I got there.

Q. Yes. You must have been working pretty hard trying to figure out where you were going. Where did your battalion go when they first came in?

A. Went to the artillery hill. They came into Chu Lai, sir.

Q. Came into Chu Lai?

A. Yes, sir.

Q. Where were they stationed?

A. We were stationed at Duc Pho. They went through about a 15-day training period at Duc Pho before they ever left the area.

Q. Duc Pho?

A. Yes, sir.

Q. Did you by chance ever visit any of the clubs down there for a spare beer or anything like that, get into any conversation and hear anything about something like this?

A. At that time, sir, we didn't have any clubs.

Q. How about the 174th Aviation Company? How about its club?

A. Sir, I was in their club for a meal at noon is the only time I ever made the 174th, sir.

Q. Yes. Did you hear anything at that noon when you were there?

A. This was later on, sir. I had become the brigade S4.

Q. I see. Did you ever, through the jungle or the military grapevine, or the bamboo grapevine, hear of an investigation being conducted by brigade of something that may have taken place up in the Pinkville area or Son Tinh?

A. No, sir. I did not.

Q. Did you ever hear of a division investigation?

A. No, sir.

Q. Did you ever hear of an ARVN investigation?

A. No, sir.

Q. Or GVN?

A. The only investigation of an incident of slaughter of people, or missing people was one that the Americans and ARVN's conducted of the VC supposedly kidnapped about 400 to 800 of them just before I left in January and February. And it was just north of Quang Ngai City, north and slightly east about 9 clicks is where they were supposedly kidnapped from. That's the only one that I really know of other than local small kidnappings.

Q. When did that take place?

A. A couple of months before I left, sir. In the last of 1968, before I left.

Q. You left when?

A. I left Duc Pho on or about March 1969. And this was just a rumor, I should say. It wasn't a formal investigation on our part. There were people sent down from District, U.S. types, and reportedly there were some sent from the division to investigate that.

Q. Did you ever hear of the top of Hill 85 (indicating on large wall map) northeast of Quang Ngai which was held by an RF Montagnard company being hit one night? This would be along in about the middle of 1968. And some of the Montagnard RF soldiers were either abducted or murdered and about 70 or maybe 80 women and children were taken along with them perhaps abducted or murdered?

A. I don't remember that specific one. No, sir. I really don't.

Q. You say 9 clicks northeast of Quang Ngai?

A. It was up about--

Q. (Interposing) This is Highway 521.

A. It was up generally in this area, sir (indicating area on map).

Q. Up in the northwest rather than northeast then?

A. Yes, sir. It was northwest.

Q. Yes.

A. It was on this side of the highway, sir.

Q. Yes.

A. I do know that up in that area during the amphibious operation they had with the Marines--but other than that I know of no specific information other than that I gained from Major PHO who was the 2d ARVN Division G2. I worked very closely with this individual.

Q. Did he ever tell you about something happening out there?

A. Well, about something happening out there, yes, sir; but not about American troops.

Q. Well what did he tell you? It was not about American troops.

A. Not American troops that committed an atrocity of any type. It was about enemy activity, 38th and 48th Local Force Battalions. This was part of his overall attack during this last Tet, not the last Tet but 1969. They were supposed to be coming either from this direction or down here, over here in the flatland. It was one of the major attacks, as well as from this way, and they were supposed to overrun this outpost you are talking about and one of these others down here at Nui Thien An.

Q. Nui Thien An or Nui Ngang? Nui Ngang is out on the coast.

A. Yes, sir. I believe it was Nui Thien An. This is where they had the refugee camps if I remember.

Q. They did have some refugee camps down there.

A. Sir?

Q. They did have some camps there?

A. Yes, sir. That's where the 11th, well it was from the 11th--They were from 198th, one of the battalions 4/3, had a refugee camp down there. They were supposed to have run over and possibly killed some refugees down there.

Q. Well, we appreciate your coming in Major VEATCH. Some of this conceivably may start fitting into place based upon what we've told you here and what you've seen here. If you do have any further recollection now with this additional information, we'd like you to get in touch with us so that we can take advantage of that information, specifically with respect to these files and things that you can remember about this operation.

Or if you can think of any documents or anything else which might be of assistance to us in carrying out the purpose of this investigation, we'd like to know about those too. I give you this opportunity to ask any questions that you'd like or if you'd like to make a statement into the record.

A. Sir, I have no desire to make a statement; but I feel rather ignorant for not being able to remember the facts of the questions you asked, but I honestly don't remember.

IO: This hearing will recess at this time.

(The hearing recessed at 1831 hours, 23 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: WADSWORTH, John L. CPT

DATE OF TESTIMONY: 22 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant S5, 11th Infantry Brigade, Americal Division.

1. 11TH BRIGADE S5 SECTION.

a. Personnel.

Captain WADSWORTH served as the brigade's assistant S5 from December 1967 to 18 April 1968. Captain KESHEL was the brigade S5 (pg. 3). Captain GOUZOULES, the 4/3 S5, had the immediate responsibility for incidents occurring in Son Tinh District and the Task Force Barker AO (pgs. 4,5). Colonel HENDERSON cooperated completely with their efforts. Their office had an outstanding working relation with Lieutenant Colonel BARKER (pg. 25).

b. Duties.

If civilians were injured by U.S. military operations, their office was notified. They would then be responsible for making solatium payments. GOUZOULES would have made the solatium payments for Task Force Barker. However, they did not get requests from Task Force Barker as often as from other areas (pg. 24). They made a daily report to the division G5 office headed by Lieutenant Colonel ANISTRANSKI, and an oral report to the 11th Brigade commander at the evening briefing. They worked with Mr. Do Dinh LUYEN, the Son Tinh District Chief (pg. 4).

c. Reports.

KESHEL had the responsibility for logging and

reporting the PSYWAR operations (pg. 18). While in the S5 office, the witness received no report that Task Force Barker had killed a large number of civilians, nor did he ever hear that they destroyed a great deal of property at Pinkville (pgs. 26, 27). However, GOUZOULES probably would not have learned of an incident if the ground unit failed to report it (pg. 26). The witness related a hearsay report from KESHEL that GOUZOULES had complained once of mistreatment of civilians to a unit commander and was told to shut up. He could recall no other details, i.e., time, place, or persons (pgs. 28, 29). He never heard any report from the aviators regarding unnecessary killing by Task Force Barker (pg. 34). The witness never heard of any investigation related to Task Force Barker (pg. 35). WADSWORTH had no idea of the number of psychological operations that were conducted by their section which were unreported (pg. 45).

## 2. INQUIRIES CONCERNING THE ASSAULT.

### a. Brigadier General LIPSCOMB.

WADSWORTH recalled the extremely low weapons to bodies ratio of the Task Force Barker 16 March operation (pg. 5). Brigadier General LIPSCOMB had been upset over this type of situation on a certain Task Force Barker operation (pgs. 5, 6). However, he was not sure of the date of that incident (pgs. 7, 8, 45).

### b. Lieutenant Colonel ANISTRANSKI.

The witness recalled an event where ANISTRANSKI was angry at KESHEL over mistreatment of civilians (pg.32). However, he could not relate that incident to Task Force Barker. However, it was definitely in GOUZOULES' AO (pgs. 32, 33)..

## 3. CIVIL AFFAIRS OPERATIONS.

### a. Pinkville.

The witness did go into the Pinkville area one time to give a ground broadcast. His team was dropped off after a combat assault near a cemetery. It was a large operation. They left in the C&C ship from LZ Dottie (pg. 10). After about two hours, a soldier was wounded in the neck by a

booby trap. The command and control ship medevac'd him and the PSYWAR team was lifted out with the wounded individual (pgs. 8, 9). The company CP was located next to a church (pg. 15). The date of this ground broadcast should be reported in the brigade S5 log (pgs. 10, 11). WADSWORTH was sure that neither Captain MEDINA nor Captain MICHLES was the ground commander that day (pgs. 11, 12, 19, 20). However, he was sure he was with a Task Force Barker unit (pg. 20). He did not see anything of any significance while on the ground (pg. 21).

b. Broadcasts and leaflets.

There were numerous broadcasts made advising the Vietnamese to leave certain areas, but he did not know if they were made at Pinkville. He was fairly certain leaflets advising the inhabitants to leave were dropped in the Pinkville area (pgs. 21, 22).

4. OTHER INFORMATION.

a. WADSWORTH knew Lieutenants MOODY and DUNN in the PIO. He saw a few pictures from Task Force Barker's operations, but never any of HAEBERLE's. He had heard of burning hootches, but not necessarily in connection with Task Force Barker (pgs. 30, 31).

b. He contradicted his earlier testimony by stating that he did recall requests made for National Police, but he could not recall any made by Task Force Barker (pgs. 39, 40).

c. The witness had never seen the inclosures to HENDERSON's report of 24 April. He asserted that, had he seen them, he certainly would have remembered (pgs. 40, 41).



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The hearing reconvened at 1733 hours, 22 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, MR WALSH, LTC NOLL and MAJ THOMAS.

The next witness is Captain John L. WADSWORTH.

(CPT WADSWORTH was called as a witness, was sworn, and testified as follows:)

Please state your full name, grade, and Social Security number?

A. John L. WADSWORTH, captain,

Q. State your branch of service, organization, and present duty station?

A. U.S. Army. Organization is Fort Rucker, Alabama.

COL WILSON: And your duty assignment?

A. I'm presently in flight school.

Q. Your branch is Armor?

A. Armor.

Q. Before we proceed, captain, I would like to inform you of several matters.

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining facts and making recommendations concerning that incident which is commonly referred to as the My Lai incident of March 1968. There are two matters that we are primarily interested in:

(1) The adequacy of prior investigations and inquiries into, and subsequent reviews and reports within the chain of command, of that incident, and

(2) Possible suppression or withholding of

information regarding this incident. We're interested in previous investigations and suppression of information.

A. Yes, sir.

Q. Also we're interested in finding out why it was not reported, if it was not reported.

This investigation is not being conducted to investigate all facts and circumstances of what happened at My Lai. It's directed to those specific purposes which I've just stated.

Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes being taken by the reporter.

A. Yes, sir.

Q. Although the general classification of the report will be confidential, it is possible that the testimony may become a matter of public knowledge.

This is Interview Team C. General PEERS has appointed this team to assist him in the investigation. It is not within our prerogative to make findings or recommendations in this investigation. This is strictly the responsibility of General PEERS. We're merely assisting him.

A. Yes, sir.

Q. He may come in at any time and question you, or other members of his board may come in and question you. This board consists of three people. Mr. WALSH, on my right, is a civilian attorney who has volunteered his services to the Secretary of the Army to assist General PEERS in his investigation. Colonel NOLL, down at the end of the table, is a member of the board and I'm a member of the board. We have the authority to question you. If there are any questions in your mind if anybody else comes in and asks you questions, just ask me and I'll tell you whether they have the authority or not.

What was your assignment on March 16, 1968?

A. As far as I recall, sir, I know I was the assistant brigade S5 for the 11th Brigade, Americal Division. Exactly where I was that day, I have no idea.

Q. How long had you been in this assignment?

A. Since December, sir, about the latter part of December.

Q. Of what year?

A. 1967. It started in 1967, and I moved from the assistant S5 down to E Troop, 1st Cav in the latter part of April.

Q. You moved to another brigade in April, right?

A. No, sir. I took over an armored cav platoon within our own brigade.

Q. In April?

A. Yes, sir.

Q. Do you remember the date in April?

A. It was the latter part--about the 18th or the 20th.

Q. Had you ever been given any training in civil affairs?

A. I have a B.S. degree in Sociology from Brigham Young University, and I took an 8-week course at the Civil Affairs Career Course at Fort Gordon, Georgia.

Q. This is prior to going to Vietnam?

A. Yes, sir.

Q. Would you describe to me your function as the assistant civil affairs officer for the brigade?

A. Yes, sir. I helped Captain KESHEL, the brigade

CA officer, in all of his functions. We were merely the go-between between the military and the civilians in that area. We took care of any uprising that might have come up, and I worked closely with MACV in the district there. If any civilians were injured by the military on operations, we would be notified of this and we would take action to see these people and to pay a form of condolence called solatium. The exact payments for deaths or for injuries I don't recall. This was our function, and we would then report all these matters to the G5 and also to the brigade commander each afternoon.

Q. Did you make a daily report in writing to the brigade commander each afternoon?

A. No, sir. We made a telephonic report to the G5 daily, and made an oral report in the colonel's briefing--in the commander's briefing every afternoon.

Q. Whom did you contact? Whom did you deal with at the district level?

A. We worked with the district chief. I believe at that time it was Do Dinh LUYEN. We worked with Major SMITH--

Q. (Interposing) Let me be sure that I'm talking about the district--

A. (Interposing) This is Duc Pho District.

Q. No, I'm referring to the Task Force Barker area, Son Tinh District.

A. Okay. Our representative up in that area was Captain Winston GOUZOULES. He was the S5 of the 4/3 and at that time they were working on the west side of Highway 1. He was also reporting any incidents that took place within Task Force Barker, which was working on the east side of Highway 1.

Q. How do you spell his name?

A. Sir, I have no--Captain Winston GOUZOULES, he's Greek. I have no idea how you spell it, GOUZOULES. Sir, I couldn't make a guess.

Q. And he was the S5 of the--

A. (Interposing) Of 4/3.

Q. He was responsible for the Barker area?

A. He was reporting any incidents that took place in the Task Force Barker area, but his primary duty was with the 4/3. I recall specifically that he was taking care of the--anything that took place in the Barker area, but--this is the reason I do remember, because we had one heck of a time getting in contact with him every day, because of the telephone situation.

Q. Do you recall at any time any irregularity in reporting the civilian casualties or deaths in the Task Force Barker area?

A. What do you mean by irregularities?

Q. I mean unusual numbers of people reported wounded there?

A. No, sir. The--I do remember hearing at one briefing that a number of people in--I thought it was 128 personnel killed and 3 weapons captured. I remember this in the commander's briefing, and I'm certain at that time that General LIPSCOMB was there. I'm not very positive, but I do recall the number of 128 people killed and 3 weapons captured, because the commander liked to have hit the ceiling when he heard this. He couldn't understand how in the world they could kill so many VC and only capture three weapons. This was about the same time when the brigade captured many weapons out on the beach just east of our Duc Pho location, southeast of it. I can recall his saying that one of these days, you're going to catch VC with weapons instead of catching VC one day and weapons the next. I do recall this figure coming up, but it was never referred to as innocent civilians.

Q. Let's go back over this figure a little bit. When was it that you recall that figure came up?

A. I'm sure it was somewhere near the end of my duties as assistant S5. The exact date, like I said, I have no idea, but I do recall this incident.

Q. And you recall this as being related to Task Force Barker?

A. Yes, sir. Because at that time that's where all these so-called actions were coming from.

Q. At that time? How long a period of time are you talking about?

A. When we first got there, any action that ever took place seems like it all came from the Muscantine AO in Task Force Barker. At the time we had very little or very few incidents taking place down south or just north of us. It seemed that it would always be up in the Task Force Barker area.

Q. Up in the northern sector?

A. Yes, sir.

Q. Do you remember when you said the commander hit the ceiling? Who hit the ceiling?

A. This I thought about ever since the whole matter came up. I'm certain that it was General LIPSCOMB there, because I can see him standing there with his hands on his hips just shaking his head when he made the statement that one of these days you're going to get the weapons and the VC together. I cannot swear that it is actually the facts, but it's just one of these things that I do remember.

Q. Well now, could this have been a different time when you heard this figure of 128 and 3 weapons, and the "old man" was getting mad, General LIPSCOMB was getting mad? Can you definitely tie the 128 and 3 to General LIPSCOMB?

A. I cannot say for sure. I do tie it to the briefing though--

Q. (Interposing) Well, let me ask you this. Do you definitely remember General LIPSCOMB getting mad about an abnormal ratio of weapons to body count?

A. I do remember him making the statement that one

of these days you're going to capture the VC and the weapons at one time instead of one one day and the other the next.

Q. And that was made in anger?

A. No, sir. It was more--more--I never saw General LIPSCOMB really get mad. It was more in disgust.

Q. Can you remember anything about--was this an evening briefing or morning briefing?

A. Evening briefing.

Q. It was an evening briefing?

A. Always. It was at 5 o'clock.

Q. There is no way we can fix the date of this? Do you remember anything happening, your birth, your R&R, a friend of yours getting wounded, any way that we could go back and fix this date?

A. Sir, I sure can't--sure can't.

Q. Had you come back from any particular trip or anything about this time?

A. Around that time I know--I can't fix an exact date on that either, but I know sometime during that time I was in the Pinkville area. I was called to go up with this PSYOP Team and take the microphone loudspeaker up and do some aerial broadcasting. After this was done, we were put on the ground and we stayed on the ground, I guess, for about 2 hours doing some broadcasting. Then we were airlifted out. The exact date on this I have no idea, but I do know it was in Pinkville.

Q. How does this broadcast that you're talking about relate to this statement by General LIPSCOMB?

A. How do you mean, sir, as far as time wise?

Q. Yes.

A. I can't say whether it was before or after. I really don't know.

Q. But you do remember that you went into Pinkville with a broadcast?

A. Yes, sir.

Q. A ground broadcast, PSYWAR effort?

A. Yes, sir.

Q. Can you fix that date with reference to General LIPSCOMB's statement?

A. No, sir, I can't. I do--I'm almost certain that we went in not on the first engagement in the village, but I think possibly the second time that Task Force Barker went into Pinkville or maybe 2 or 3 days after the first day they went in. I know it wasn't on the initial engagement.

Q. Do you remember the unit that went in the first time?

A. No, sir.

Q. Do you remember how they went in, whether they went in by combat assault or whether they went in by surface?

A. They went in by--as I say--they did go in by combat assault. I went in after they went in. They went in early that morning, and we waited off to the side of the pad until later in the day. Then we were taken in.

Q. You were taken in to the objective area?

A. Yes, sir.

Q. For what purpose?

A. Broadcasting, asking for--well, first we flew over the area asking for "Chieu Hoi's," and we were put on the ground to be of possible assistance to the ground commander there. We reported to a captain, his name I do not remember. I do picture--I do remember kind of what he looks like. We just did a small amount of broadcasting on the ground, and one fellow was wounded by a booby trap. We were lifted out when the Charlie-

Charlie came in and picked this wounded GI up. We were only down about an hour and one-half or two hours. I hope I'm not confusing you.

Q. You went in with the Charlie-Charlie to pick up wounded?

A. No, sir. The Charlie-Charlie came in to pick up a wounded GI, and we went out with him at the same time he went out.

Q. Now, is this the brigade commander's command and control ship of was this the task force's?

A. It was the task force's.

Q. And was this pickup along the coast or inland?

A. I think it was just about a mile or a mile and a half inland at the most. We did our aerial broadcasting over that small channel from the coast. It's just to the west of the beach. We did our aerial broadcasting there, and then we were dropped off next to a cemetery just west of that. The exact spot I do not know. I do know that when we got on the ground, we started heading eastward. Then we hit a path and went north for 100 or 200 meters, and then we intersected another path and took a right. I do remember that. There was a large church there.

MR WALSH: Did you go across the bridge?

A. No.

Q. You don't remember the unit that was there?

A. No, sir, I don't.

Q. Do you remember the commander of the unit?

A. I don't know his name. I remember he was kind of short and stocky with a round face, and he wore glasses. That's all I remember.

Q. Would this be in your S5 log?

A. You mean the broadcasting?

Q. Yes.

A. It should've, right, it should've been turned in possibly that afternoon or the next afternoon to G5, telephonically. It also should have been put in our office's daily report.

Q. Well, I have a--would this have been--would you have reported this through the 7th PSYOP Battalion? Did they support you?

A. Captain KESHEL was the PSYOP officer. He was doubling as the S5 officer.

Q. Yes.

A. I know that I didn't get involved with the PSYOP Team itself, but I know that the PSYOP Team came from another--in other words, they were independent from our brigade. So I--other than that and going out with them three or four times, I didn't get involved with them. But it should have been reported on our log, sir.

LTC NOLL: Do you know what size force was involved in this operation? Was it one company or two companies?

A. I know that morning there was a lot of people out there, a whole lot.

MR WALSH: Where did you take off from?

A. From LZ Dottie.

Q. How many choppers did the assault use?

A. I don't remember how many they used, but I know they came back three or four times and picked up new loads.

Q. Could you pick out the area that you went into from a map?

A. I know it's Pinkville, but exactly where we set down I do not know.

COL WILSON: If you conducted surface psychological warfare, it would appear that this should be reported to the division, shouldn't it?

A. Yes, sir. Every afternoon we were to call division G5 and report. Also it should have been put in our daily log. We would report each day also, and in the same respect--I mean together with how many mines, or grenades and things that were turned in by the civilians. That was turned in and it should have been on the same report with the broadcast.

Q. Did you know a Captain Edward KRITO? Was he there when you were?

A. I don't recall the name, sir.

Q. Let me ask you this on your psychological operations. Did you in any of your ground psychological operations ever advise the people in the Pinkville area to evacuate the area? What was the theme of your broadcast?

A. I remember part of it was "Chieu Hoi" in the air, and we also broadcasted "Chieu Hoi" on the ground, but the rest of it I don't remember.

Q. See if you can get a photograph of Captain MEDINA?  
(RCDR does as requested.)

A. I don't know MEDINA personally, but I believe I have seen him.

Q. Would you know if he was the commander?

A. No, he wasn't.

Q. It was not MEDINA. Did you know Captain MICHLES?

A. MICHLES? I believe Captain MICHLES was the one that was killed--

Q. (Interposing) That's correct.

A. And I worked with Captain MICHLES for a while.

Q. And you would know if Captain MICHLES was there?

A. Yes, sir. It was not him.

Q. It was not Captain MICHLES?

A. I worked with Captain MICHLES when I got into the Cav, and I went up north with him.

Q. So the commander of the unit in there was neither Captain MEDINA nor Captain MICHLES?

A. No.

Q. Did you know Captain TRINKLE?

A. I've heard the name, but I don't think I met him.

Q. He was a witness. See if we have a photograph of him.

(RCDR does as requested.)

Let me try to maybe pick something a little more so. Did you know Sergeant PHETTEPLACE?

A. Sergeant PHETTEPLACE, right. He was our NCO.

Q. Okay. I have a copy of your S5 log of the 18th of March. Now, I'm just trying to fix a date.

A. Right, I understand.

Q. I would like for you to look at this copy of this log and see if any of the entries on there refresh your mind as to this time period (handing the document to the witness)?

A. This actually, sir, sounds almost like any day.

Q. Nothing unusual about this particular log?

A. No, sir.

Q. When Major Thomas gets back this will be entered as an exhibit.

A. Would you like for me to look at a few more--

Q. (Interposing) That's the only one that we have that I know of.

A. Well, this--

Q. (Interposing) It's just a normal day then?

A. Yes, sir.

Q. I would like to introduce the Daily Staff Journal of 18 March, S5, 11th Infantry Brigade, Brigade Log.

A. I hope that you don't misunderstand me, taking up wounded people right--

Q. (Interposing) Let me get an exhibit number on this.

RCDR: Exhibit M-50.

COL WILSON: Now, did you want to refer to the--

A. (Interposing) Right. In other words, it mentioned that the 3/1 found six wounded civilians. This is something that didn't happen every day, but these were frequently civilians found that had been wounded. I just want to make clear that's not something that would've happened every day, but it was recurring.

Q. Well now, of course, I'm not really concerned with that entry so much from the standpoint of this investigation. But this would normally be reported to the brigade commander, wouldn't it?

A. Right.

Q. Orally?

A. Orally.

Q. Was this the only document in which a report like that would be written?

A. Yes, sir, unless it was put on the historical record. This would have been telephonically reported to G5 and orally to the commander.

Q. Have you ever seen that officer before, and I show you a photograph of Major TRINKLE (handing a photograph not entered into evidence to witness)?

A. I can't say positively, but--I can't say positively, sir. It's a lot of difference when you don't have all this combat garb on with the helmet.

Q. This man is rather short. Would you say that--

A. (Interposing) Well, he was kind of short. At that time, I recall, he had kind of a high-pitched voice. He had glasses on, and he was a very active person.

Q. Did you ever hear him speak any Vietnamese?

A. No, I didn't. In fact, when I went in there, I don't recall seeing any Vietnamese.

MR WALSH: Are you certain, captain, that the operation that we're speaking about involved an air assault, or is it possible that troops had moved into an area on the ground before you joined them by helicopter?

A. Well, they might have, but a good number went in by air. Now there might have been a few defensive position around there at night where some might've moved, and then they might have just moved in another company. But there was an air assault, and this is because--the reason I remember this is because we had to sit out on the chopper pad a good part of the morning waiting for the Charlie-Charlie to be clear so they could take us out to do this aerial broadcasting.

Q. Did the Charlie-Charlie ship take you for your aerial broadcast?

A. Yes, sir.

Q. Who was with you?

A. Just myself, the pilot, and two assistants. Their names I don't recall.

Q. And where was the commander?

A. Colonel BARKER?

Q. Yes.

A. I suppose he was down in the TOC a little bit.

Q. And while he was in the TOC you went out with his ship?

A. Right.

Q. To do your broadcasting? How long did you broadcast while you were in the air?

A. It wasn't long, probably would be about 20 minutes at the most.

Q. And you set down because you got a call to pick up a wounded person?

A. No. They called for the Charlie-Charlie, and Colonel BARKER instructed that it might be good for us to set down and maybe we could help the ground commander there or that company. So they dropped us off, and they went on back and picked up the colonel.

Q. I see, and they put you down next to the company commander?

A. We were a few hundred meters from him, and we went on out with one platoon as they went out and we caught up with them.

Q. Had this platoon suffered some casualties from booby traps in that area before you got there?

A. I do recall them saying to be very careful, because this area is the most mined area that they had ever seen. When I was there and we were about--I suppose about 30 meters from the church, one tall GI did set off a mine about 10 or 15 meters from me. I recall he was wounded in the neck, and when he was evacuated by the Charlie-Charlie we went out with him.

Q. Had you heard that a lieutenant, platoon leader, had been killed by booby traps before you arrived?

A. No, sir, I did not.

Q. Was the company moving when you arrived?

A. At a slow pace.

Q. At a slow pace?

A. Slow pace, right.

Q. Do you remember if they were moving to the north-east, to the west, or south or what?

A. We moved east, hit the trail and went north about 100 meters, and then took a right on the trail. That's where the company CP was, right next to a church.

Q. Well, did you see a trail leading to the north off the other trail--

A. (Interposing) It did continue to the north, yes.

Q. Did you see a gate?

A. I don't recall a gate.

Q. Did you see any--

A. (Interposing) There was a very, very unusual large hole right across from the church.

Q. Do you recall if there was any hostile fire being received at that time?

A. I remember when we went next to the cemetery. Just a matter of a few minutes after we had gotten out of the helicopter, they thought sniper rounds were fired and everybody hit the ground. But nothing developed, and in a few minutes later we moved on.

Q. The company that you joined, was it in a dug-in position or was it--

A. (Interposing) No, sir, sweeping.

Q. Sweeping. What was the direction of its movement?

A. East.

Q. It was moving east?

A. Until we hit the trail, and then as I recall I think they continued east, and we stopped there with the CP group.

Q. In other words, the company moved on across the trail?

A. The platoon that I was with did. In other words, I was trying to reach the company CP area, so I moved on up eastward with these platoons. When we hit the CP area, we stayed. As I recall, they continued.

Q. CP was located near the pagoda?

A. Right, and this I remember, because the--one GI called out and said that he had found a big booby trap. Also these other GI's, they were at that time searching tunnels. I remember they brought out some "Bouncing Betties".

Q. Let me ask you--by taking a look at the map, we might be able to fix the location.

Get me the 1:25,000 Exhibit Map-4 and the 1:50,000 Exhibit Map-5.

(RCDR does as requested.)

While he's getting a map I want to show you a report on psychological operations which indicates--first let me ask you, was this a taped operation? Was your psychological broadcast, taped?

A. I forgot to mention that we did have our interpreter with us. We did have an interpreter and we had some on tape, and then we also used the interpreter too.

Q. Well, what did you do that day?

A. Say again?

Q. What did you do that day?

A. We had--before we left LZ Dottie, we had the interpreter talk into the tape machine. Then we used that for the aerial broadcast, and then he did it orally on the ground.

Q. Well, I ask you to look at this. I ask you to look at this document which lists during the period 1 March to 20 March psychological operations which took place in this general area (indicating). The locations where those took place are shown in these squares here. See if this brings back anything to you (handing document to witness). If you will look at the legend on that map overprint, it says which are broadcasts and which are leaflets.

A. Where is this, sir?

Q. If you see a B in front of the number, it's a broadcast.

A. Okay. We did broadcast in this area or generally--

Q. (Interposing) You're pointing at Pinkville?

A. Right, it's all of it where we broadcast. This was the only time I flew over the Pinkville area, and I recall all these ponds here.

Q. None of the entries on this data sheet recall whether this was one of these days, was the day that you made this particular flight, is this correct?

A. It's possible that I might have been. All I know-- I'm certain that it was in the time period of March.

Q. You say you may have been on the--you're certain it was in March?

A. Right.

Q. This one on the 13th of March indicated on the exhibit is a leaflet drop. The closest broadcast we have is up along this river where two broadcasts were made on the 2d and 4th of March?

A. We made a broadcast--

Q. (Interposing) Is this the one?

A. Now, I don't think so. Now, we made--there were two types of broadcasts. One kind of broadcast you could order through division, and it would come out of Danang in the Air Force aircraft. They were all tapes. But they were more the quick action team. There was no planning. When they wanted something done, they would just call and they'd go. But they also did have scheduled reports--broadcasted off it.

MR WALSH: Who prepared the reports?

A. This was Captain KESHEL's area. He was strictly PSYWAR, and he doubling up as Civil Affairs.

COL WILSON: We'll now introduce into evidence a journal of psychological operation in the vicinity of BS 7178, Quang Ngai Province, 1-20 March 1968, with an accompanying map as an exhibit.

RCDR: This is Exhibit M-51.

MR WALSH: Can you give us any explanation as to why your operations, if they were in fact in the time frame of March 16 and March 17 in that area, are not reflected?

A. Sir, I did not run the S5 office and I did not run the PSYWAR section. I strictly never messed with PSYWAR. They just grabbed me to go with them because they needed somebody.

Q. Well, I guess my question is when you conducted a broadcast such as this, to whom would you have reported what you had done?

A. Captain KESHEL would've reported it to the--all the civil affairs would definitely have been reported to the G5, and as I recall he reported these broadcasts to them too.

Q. In writing?

A. No, sir, telephonically, on the telephone.

Q. You prepared no written records of broadcasts?

A. Just the daily report, and if it's not in there it was just mismanagement.

COL WILSON: Mr. WALSH, can we take a look at the map exhibit?

(RCDR gets maps.)

The witness has been given Exhibit MAP-5, Exhibit M-51, and Exhibit MAP-4.

(Witness is given map orientation.)

MR WALSH: You are clear that the captain you were with on the ground was not Captain MEDINA?

A. I'm sure.

Q. This is the operation that we're talking about, that is, the operation of March 16th, and it was not Captain MEDINA that you saw on the ground. This would be the approximate area which was the LZ for Bravo Company. You landed in this direction, one platoon was down in this direction, and you will notice that there are several pagodas indicated on there.

A. I remember an open area in here.

Q. I think this indicates the graveyard?

A. Right. The graveyard I was in wasn't very large, it was a small graveyard. It was over here, and then we came east and went north for a couple of hundred meters, and then I suppose about 50 meters further east where the CP and a church were. There was a very large hole here, because when that mine went off a lot of people went to the hole.

Q. Was a mortar team set up in there?

A. I didn't see one.

COL WILSON: Captain WADSWORTH, if you remember the unit that you were with and the commander of the unit, and you knew Captain MEDINA and Captain MICHLES and they weren't the commanders, you must--it was Task Force Barker--you must have been with A Company.

A. I knew these people at different times. I did not know Captain MEDINA. I've seen him. I knew Captain MICHLES only because I worked with him later on when I was in the Armored Cav.

Q. What I mean is--maybe I didn't ask my question properly. The commander of the unit that you went to the day we're trying to establish, I thought we determined it was not Captain MEDINA and it was not Captain MICHLES. We didn't determine that?

A. No, I--that's right.

Q. They were not the commanders?

A. They were not.

Q. And you were with Task Force Barker?

A. Yes, sir.

Q. There was only one other company in the unit, and that was A Company, which could have been commanded by any of three company commanders during this period. Major TRINKLE was wounded on the 26th of February. There was an interim commander. There were two commanders between the 26th of February and the 16th March. It could have been either one of those, but we don't have photographs of them. Would you recognize the name?

A. I know I wouldn't recognize the names, but I'm sure if I saw them I'm sure it would--I'm trying to pick my mind. I can remember many things. I can remember some things; I can't remember others.

Q. If we do establish that you were in the area at the time or at a period in the Pinkville complex--you were in the area at the time that the remark was made by General LIPSCOMB--

A. (Interposing) Give or take--

Q. That he was dissatisfied with closing with the enemy?

A. Right, give or take a few days or a week or two, that's about as close as I can pin it down. But I just feel, I'm sure it was in March--during that time period.

MR WALSH: During the period you were on the ground, did you see anything of significance?

A. I didn't see any Vietnamese at all.

Q. You went out when somebody was wounded and the C&C ship came down to pick him up?

A. Right.

Q. And where did you go from there?

A. I went back and we waited, I guess, until almost nightfall until the Charlie-Charlie ship went back to Duc Pho.

Q. And how did you get back to Duc Pho?

A. By the Charlie-Charlie. I guess just on that fact, that I remember the 128 and 3 weapons and the going back to Duc Pho late in the afternoon, would take it away from March 16th.

Q. In other words, you heard the 128 through the briefing?

A. Right.

Q. But you were up at Dottie until late in the afternoon. You wouldn't have been at the briefing that night if you were on the ground?

A. I can't say for sure I came back on the Charlie-Charlie that afternoon or when, but I know most of the time I did come back on the Charlie-Charlie when it was very late.

COL WILSON: Let me be sure that I understand you again. You told me that you normally--most of your broadcasts were "Chieu Hoi." This is primarily what--

A. (Interposing) That's the ones I went on. Now as I recall I only went on about three of them--about all I ever went on. Most of my work was strictly confined to civil affairs.

Q. But do you remember or know if there was ever a broadcast which advised--at any time, which advised the inhabitants of the area referred to as Pinkville to get out of there?

A. I do remember that there were numerous broadcasts made of that type.

Q. What type?

A. To leave the area.

Q. Was this a standard broadcast or something that was a taped broadcast?

A. Yes, sir. I don't remember if it was taped or not, but I do remember there were numerous broadcasts made in areas to leave the area, just like there were numerous broadcasts made, "do not run" and "Chieu Hoi" broadcasts.

(COL FRANKLIN entered the hearing.)

Q. You don't know if these broadcasts were made in this area or not?

A. No, sir.

Q. Do you know of a leaflet that advised people to leave any area, in other words, get out of this area for any reason?

A. Right. They were normally made. I do remember them down south now near our CP near Duc Pho, out near the beach. I'm sure they were made up in this area too. I can't state it for a fact, but I know that they were.

Q. What did the leaflets say?

A. I never read it, but I saw a book of leaflets one time, an index. As far as I remember, they probably said to the effect to get out, leave the area, you will be more secure near Highway 1, and the Vietnamese Government will take care of you if you will move to these areas. If you stay out in these outlying areas that possibly you will be hurt by--I mean the VC will take advantage of you, and you might be hurt by artillery or something.

MR WALSH: Captain, was there an SOP in the brigade S5 shop?

A. Yes, sir.

Q. Written one?

A. Yes, sir.

Q. Do you have a copy of it?

A. No, sir, I don't.

Q. How long was it?

A. About as long as that book.

Q. Was it printed or typewritten?

A. As I recall we--Captain KESHEL revised our SOP, and it was typed and run off from the stencil machine. When we first got to Vietnam, he took the SOP and completely revised it.

Q. Where had he gotten the one that was there, from Task Force OREGON?

A. It was the one that came from Schofield when the brigade was there.

Q. I see. He revised the brigade SOP after reaching Vietnam?

A. Yes, sir.

Q. He had it retyped in the office?

A. This was the S5 part, sir. It was the S5 portion of the brigade SOP. I do know it was revised.

Q. It was an annex to the brigade SOP?

A. Yes, sir.

Q. What contact did you have with the Son Tinh District?

A. Myself, no personal contact, just through Captain GOUZOULES.

Q. Did you know Major or Colonel GAVIN?

A. I believe he was the advisor just north of Quang Ngai, sitting up on a mountain.

Q. That's right. That's the Son Tinh District Headquarters, isn't it?

A. I believe so.

Q. Did you have any contact with him?

A. I met him one time.

Q. You didn't see him frequently though?

A. No, sir. In talking with Captain GOUZOULES, I understand he did.

Q. So I get from your testimony that any solatium payments or any information derived from the Son Tinh District would not have come to you, but was rather passed on to our Greek--

A. (Interposing) Captain GOUZOULES?

Q. Captain GOUZOULES--

A. Captain GOUZOULES, to us, to the division.

Q. And you would hear from Captain GOUZOULES about any matters that were in the Task Force Barker area--

A. (Interposing) We had the money.

Q. Right. How would the money get from you to the people in the Task Force Barker area.

A. He would either come down and pick it up personally, or we would take it up to him.

Q. Did you get reports of civilian property damage and civilian injuries from the Task Force Barker AO regularly?

A. Not as regular as we did in the other area.

Q. Was Captain--

A. (Interposing) GOUZOULES.

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Q. GOUZOULES pretty busy watching after his own area as well as Task Force Barker AO, or what other reasons do you think might explain why you didn't have as much contact with that district as with your others?

A. Part of it could be because the--it's my professional opinion now. The S5 probably didn't have a good working relationship with the commanders of the district or the district advisors, or particularly with the commanders. In other words, civil affairs is--even though it really isn't on the books, actually it's a new operation and many commanders don't have any trust in it.

Q. Did Colonel HENDERSON have--do you have the impression that Colonel HENDERSON didn't have much trust in--

A. (Interposing) We had complete cooperation with Colonel HENDERSON. I do recall one time that Colonel HENDERSON had to call in a particular commander. I believe he just called one commander and let it be known that a better working relationship was going to have to take place between him and the S5, because many times we were shoved aside, which is understandable. I worked both sides of the fence, civil affairs and out on the ground with the units, and I understand what has to come first. But I also understand that civil affairs is a necessity which many commanders do not--

Q. (Interposing) Well now, who are the commanders--

A. (Interposing) I don't believe many commanders do.

Q. Did Colonel HENDERSON ever speak to Colonel BARKER about the problem you just described?

A. Not that I recall. Now I knew Colonel BARKER fairly close, and never had any trouble working with Colonel BARKER. In fact, we had an outstanding working relationship.

Q. What I'm trying to get is a little further detail on your opinion concerning the reasons why you had less contact with civilian property and personal damage in the Son Tinh District than you had in the other areas of operations?

A. It possibly could be that the going was slow up there for Captain GOUZOULES. First, he had to have transportation. You can't go walking out in the bush by yourself,

and he had to have transportation which had to be in the form of hopping rides on the Charlie-Charlie when it went if there was room. If there was not room, he would never go. And if the platoon on the ground did not report incidents to the commander and on up, Captain GOUZOULES would never have known anyway.

Q. Captain GOUZOULES was not taken to Dottie was he?

A. No, sir. Later he was, but at that time he was at--he was on top of a mountain just northwest of Dottie, south of the Son Tinh River. I believe it was the Son Tinh River. I mean further north was Son Tinh River, just northwest of Dottie was the temporary fire base. He was there, and he also spent some time further north when he had the rear area just across the road from Chu Lai. He spent time at both places.

Q. Can I sum that up by saying that you personally or Captain KESHEL had not a direct contact with the Son Tinh District Headquarters since that was handled through Captain GOUZOULES. He was in a nearby fire base with additional responsibility for another battalion operating in the adjacent area to the west of Highway 1?

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A. I purposely did take money one time to Captain GOUZOULES, and I met him at LZ Dottie. The exact time on this I do not--I cannot set.

Q. What contact did you have with the MI Detachment at Duc Pho or any portion of it from your permanent base that was up at LZ Dottie?

A. I did have contact with them.

Q. What was the nature of it?

A. I got to think about it. I did go out on a couple of missions with the MI detachment, and the reasons I cannot remember. But I was out on operations with them two or three times. Although while I was in S5, I worked with them more closely than when I was in the Cav.

Q. When you were in the S5, did you get any reports from the MI detachment of either VC propaganda or sources of intelligence to the effect that Task Force Barker had killed a lot of people?

A. No, sir.

Q. They destroyed a lot of property in the Pinkville area?

A. No, sir.

Q. You never heard anything about that?

A. No, sir, sure haven't.

Q. I'd like to show you Exhibit M-35, an English translation of VC propaganda. I will ask you, you don't have to read every word, to take a look at it and let me know if you have ever seen that, anything like it, or ever discussed anything like it with anyone in Task Force Barker or the 11th Brigade or the MI detachment? (COL WILSON handed the document to the witness.)

A. I do not recall it, sir.

Q. You have no recollection of seeing it or anything like that?

A. I do not recall. I do remember one captain in the MI complaining two or three times of possible wrongdoings, but he never could pinpoint it or anything. His name I do not remember. He was of medium build, medium height, kind of heavy, dark-haired, black hair.

Q. LABRIOLA?

A. LABRIOLA, right, and I remember him complaining. You know--probably some discussions that the troops in the field probably do things they shouldn't, which is something I always believe happens. Not as a normal routine, but....

Q. Were Captain LABRIOLA's complaints in terms of prisoners, detainees turned in were beaten, or was it in connection with the shooting of civilians out in the field?

A. I do not remember the exact content. All the prisoners that I saw that were coming to the MI--what I saw they looked in pretty good shape, especially after the MI--I never saw any maltreatment of them while we were close to the MI, and their PW cage was right next to us. Later on they moved the PW cage when they moved from Carantan to Bronco.

Q. Do you recall ever getting any reports from Captain GOUZOULES or from anywhere else of any of the civilians or any of the district or province officials being upset by any large-scale killing of civilians or destruction of property in the Task Force Barker area?

A. I know that Captain GOUZOULES complained and mentioned to a certain commander, I don't remember who it was and this is more hearsay through Captain KESHEL and I talking, that Captain GOUZOULES made mention to a commander that maltreatment or certain illegal acts had taken place. It's not in particular reference to this, and I can't fix the date or the time on it.

Q. Was that before you went to the Cavalry platoon?

A. Yes, sir. The commander set Captain GOUZOULES, so to speak, in his place, told him to just shut up. I do recall him complaining of this.

Q. Now, let me try to get this straight? Captain GOUZOULES complained to Captain KESHEL--

A. (Interposing) Or the word got back to Captain KESHEL. Captain GOUZOULES complained to a commander that something--some wrongdoing had happened, and the commander just told him to step aside.

Q. Captain KESHEL told you this?

A. Right.

Q. So, you learned about it from Captain KESHEL rather than Captain GOUZOULES?

A. Right, it was in our everyday talking. We stayed in the same hootch at night.

Q. Do you remember anything more of what it was that Captain GOUZOULES complained about?

A. No, sir, I don't.

Q. It had something to do with mistreatment of civilians?

A. Right.

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Q. Do you recall whether it was something to do with mistreatment of one civilian, or was it on a larger scale than that?

A. No, sir, I don't know. I just recall the incident.

Q. Was the commander Colonel BARKER?

A. I don't even recall that, sir. It could have either been Colonel BARKER or Colonel ADKINS, which I do not know. I do recall that Colonel ADKINS and Captain GOUZOULES didn't get along very good. I do recall that.

Q. Now Colonel BARKER was not Captain GOUZOULES' commander, was he?

A. No.

Q. He was more or less your representative for Son Tinh District?

A. Right.

Q. Was he under--was Captain GOUZOULES under--

A. (Interposing) He was attached to Colonel ADKINS.

Q. Then he was not a member of Task Force Barker?

A. Per se, no. He was responsible for reporting anything that happened there.

Q. That responsibility ran to you and back to brigade headquarters?

A. Right, sir.

Q. But other than that one incident, you don't recall hearing anything or receiving any reports of either a civilian or a district or province official being upset by any action of Task Force Barker's troops in that area?

A. No, sir.

Q. Did you ever hear that an investigation was being conducted into the operations of Task Force Barker?

A. No, sir.

Q. Did you ever hear of a propaganda pamphlet being handed through the wire at LZ Uptight by a child that had allegations in it with respect to mistreatment of civilians on a large scale, a massacre or something?

A. No, sir, but I do remember that there was an incident where there was propaganda pamphlets passed out somewhere. But the time on that and context I don't remember.

Q. You don't remember anything more about it then?

A. No.

Q. Did you ever have discussions with people in the IO shop about Task Force Barker's operation?

A. I talked a lot of times to people in the PIO, not particularly the head there, Lieutenant MOODY. I never spoke to him much, but--

Q. (Interposing) Lieutenant DUNN?

A. Lieutenant DUNN, and there was one other lieutenant in there and I don't recall his name. But DUNN was one of them. He was a tall, dark-headed boy.

Q. Did he ever show you any pictures taken on Task Force Barker's operations?

A. I sometimes--when I went to eat lunch, I would stop by the PIO. I remember stopping and looking through their pictures, but I never recall any pictures like this.

Q. Did you ever see any pictures while you were in there of soldiers putting the torch to hootches?

A. No, sir.

Q. Did you ever hear anything about burning hootches?

A. Passed around I have, but I can't put no time on that. I've heard that it was done.

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Q. Did you know whether there was a division policy against the burning of hootches?

A. I didn't read any SOP's, but I was sure it was just one of them things that you didn't do.

Q. Did you ever hear that on any of Task Force Barker's operations, they did a lot of it?

A. All I remember about the operation of Task Force Barker in that respect is they had all the contact.

Q. In other words, the rest of the brigade area was very quiet during the period--

A. (Interposing) Reasonably quiet, yes.

Q. Before you moved to the Calvary platoon, and the only action the brigade was having was up in the Task Force Barker area?

A. Yes.

Q. Did you frequently go up to division headquarters to get money for solatium payments?

A. Yes, sir. For a while I went up almost every week myself.

Q. Where did you get the money from?

A. From the Negro captain.

Q. Anybody else?

A. One of them was Captain WOODARD. I believe his name was Captain WOODARD. There was one other captain or major before him. I can't remember who this fellow was.

Q. ANISTRANSKI?

A. Colonel ANISTRANSKI was the G5. I picked up the money, I believe, in the G1--the piaster?

Q. Did you ever hear Captain KESHEL tell you that Colonel ANISTRANSKI had told him that Task Force Barker and

maybe the entire brigade was in big trouble over the operations in the Task Force Barker area?

A. I heard Captain KESHEL talk about Colonel ANISTRANSKI almost every day, almost--in other words, he was almost the big stick. Whenever he would come down there, according to Captain KESHEL, he was always raising hell about something.

Q. I don't think you answered my question directly. Did you ever hear Captain KESHEL tell you--

A. (Interposing) I believe so.

Q. Beg pardon?

A. I believe so.

Q. What exactly can you recall?

A. I cannot recall anything. All I can recall--I'm sure I remember Colonel ANISTRANSKI, I mean Captain KESHEL, being on the phone. He talked about--you had better get things straight as far as treatment of people down there. I remember this, that is all I can remember.

Q. What did Captain KESHEL do to get things straight?

A. I don't know.

Q. You don't recall anything unusual?

A. This I believe might have been part of--I know Captain KESHEL went to see Colonel HENDERSON. I believe this might have been the lead-in to Colonel HENDERSON talking to the commanders, or one particular commander, which I do not remember who it was.

Q. Now, what do you mean by the lead-in to Colonel HENDERSON talking to one of his commanders?

A. Like I mentioned a little while ago, somehow Colonel HENDERSON got the word that possibly Captain GOZOULES was not getting along with the commanders. Apparently the word got to Colonel ANISTRANSKI, and it got back to Colonel HENDERSON. He got with KESHEL, and the colonel got with the commander.

Q. Was the battalion that Captain GOUZOULES was stationed with another one of the battalions of the 11th Brigade?

A. Yes, sir. He was with Colonel ADKINS. That was his primary responsibility, and since he was up there in the Muscatine AO, he was getting the additional duty of doing the reporting for anything that took place in Task Force Barker.

Q. I would like to go back here just a moment and see if we're talking about the same thing. We have some indication that ANISTRANSKI told Captain KESHEL while Captain KESHEL was at division headquarters that Task Force Barker and perhaps the whole brigade was in big trouble as a result of operations in the task force AO. Now, I would like for you to be as clear as you can as to whether that kind of report is what Captain KESHEL told you about?

A. I cannot pin it down, I really can't. I wish I could.

Q. You just remember there was one instance where Captain KESHEL was on the phone?

A. Numerous.

Q. But, you do remember something about a complaint relating to Task Force Barker's area or at least relating to Captain GOUZOULES' operational area?

A. Well, in relation to treatment of people, whether he talked about up north or down south I don't recall.

Q. All right.

A. I do remember there was a big to-do, and Colonel ANISTRANSKI called KESHEL up to division, which he did a few times. He also made trips down to the brigade, Colonel ANISTRANSKI did. Then the colonel got in on the act, and there was a meeting with the commander involved or all of them. This I do recall.

(At this point, COL FRANKLIN departed the hearing.)

Q. But other than the fact there was a big to-do, you don't know anything about the reasons for it?

A. No, sir.

Q. Except that you think it may have involved Captain GOUZOULES?

A. Indirectly.

Q. Did you ever hear anything from any of the pilots at Duc Pho about any unnecessary killings of civilians up there in the Task Force Barker area?

A. I used to visit with the aviation units at night a few times. We'd get together, and I don't--I never recall this ever happening, any mentioning of that.

Q. How did Captain KESHEL get along with Colonel ANISTRANSKI?

A. Colonel ANISTRANSKI--I'd like--he was very forceful, and when he had something to say he said it in no uncertain terms. KESHEL, he worked on whatever Colonel ANISTRANSKI--but his telephonic conversations--as soon as that was over, he kind of brushed it off, I mean as far as talking with him. But he acted as far as I can remember. He acted whenever Colonel ANISTRANSKI raised the devil about something.

Q. Were there any difficulties between them?

A. No, sir. Colonel ANISTRANSKI was the boss, and whenever he said it, we did it.

Q. Did you know Colonel BLACKLEDGE?

A. Yes, sir, he was the S2 as I recall.

Q. Did you get any information from him with respect to reports, propaganda, or handling of civilians?

A. No, sir. The biggest thing I remember about Colonel BLACKLEDGE is he didn't trust you. That's all I remember; that's the big thing that stands out.

Q. He didn't trust you?

A. He did not trust the Vietnamese. In other words, he was always totally against having the civilians on our

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compound and anything that might involve the civilians being close to us or close to our equipment. He was always against it.

Q. What did you think of him?

A. I like him. I thought some of his ideas might have looked off-track, but I got along with him. I worked with him a few times. Sir, did you say you had a photograph of the trail?

COL WILSON: Yes, but I think we'll hold off on that for the time being.

A. Okay. In my mind I do know what the place looks like from the ground.

Q. You stated I believe earlier that you know of no investigation which was conducted--

A. (Interposing) I didn't hear of any investigation.

Q. In this matter? Regarding the operation that took place on the 16th of March, Colonel BARKER prepared a combat action report, dated the 28th of March, in which he described the operation in which he participated. He made some recommendations at the end of his report, which are in paragraph 16. Would you look at those recommendations and tell me if you have ever seen such a statement? (COL WILSON handed Exhibit R-2 to the witness.)

A. I do not recall this particular thing, but I do remember Colonel BARKER being somebody that thought along those lines.

Q. In this particular operation, he highlighted that this is a specific problem. My question is did this ever come to your attention as a recommendation from a battalion commander in the 11th Brigade?

A. I do remember that near the end of my stay in civil affairs, Captain KESHEL was making plans for taking MEDCAPS and PSYOP out to these outlying areas when a unit moved in. This was in the planning stage, and he had plans for me to go with this. As far as I know, I don't recall it ever taking place.

Q. This recommendation that you just read, it primarily concerned population control, not rehabilitation or medical treatment. It was control of refugees?

A. Right. Well, to control the refugees in an area, you got to have something to control them with.

Q. You're exactly right.

A. MEDCAPS, going out with the PSYOP team, going out--well, a county fair type deal. We had a practice county fair operation next to our compound in training to go out to these outlying areas, and I left immediately after this county fair.

Q. Did it look like this procedure would be used in the future?

A. Plans were being made for it to be used, and it was my understanding that it was going to be. Now after I went to the Armored Cav, I lost contact with Captain KESHEL, and I was more--I was independent then. I was attached to these other units, but I did not work very closely with them. In other words, I moved rapidly every day.

Q. Wasn't there a civil affairs detachment with the 11th Brigade?

A. Yes, sir. We were it.

Q. You were not on the brigade staff then?

A. Yes, sir, we were on the brigade staff.

Q. Were you a member of the civil affairs detachment?

A. Okay. Now, we're talking about two different areas.

Q. That's right.

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A. Okay, it was a captain. I can't remember his name, Lieutenant JONES took his place. Their primary action was physical construction in the area. They built schools and the marketplaces and--in other words, we were two independent units--

Q. (Interposing) You were on the brigade staff?

A. Staff.

Q. In a TOE slot?

A. Right.

Q. You had a civil affairs detachment that was attached--

A. (Interposing) Right.

Q. To the brigade, is that correct?

A. Right, their primary thing was building. They built schools, they built market places, they worked very close with the district advisor in distributing the foods.

Q. Well now, that's primarily what they did, but is there any reason why this detachment could not have exercised assistance in population control in combat operations?

A. No reason why they couldn't.

Q. Were they trained to do that?

A. Yes. I mean in the text book, yes. In actuality, they didn't do out--I mean we didn't use them like that.

Q. This training that you said was going on at the time you left your job as the assistant S5, was it using this detachment for that purpose, or was that detachment taking care of civic action programs with the Vietnamese?

A. That's what they were doing, civic actions.

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Q. Construction and so forth?

A. Right, and they were staying near the highway and doing all their--they were near the village.

Q. These were pacification areas?

A. Right.

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Q. Had you heard of or did you have anything to do with the Vietnamese National Police working with U.S. units in operations?

A. I worked a few times, I was with them when I was in the Cav. When I was in the S5, I don't recall working with them.

Q. You didn't have any contact with them, or you didn't answer a request from commanders that they wanted some National Police to go with them in certain areas such as this?

A. When that was done, and it was done a few times, Captain KESHEL handled it.

Q. He did handle it?

A. Right, he was there.

Q. Did you know Sergeant WARREN?

A. Right, he was an E-6 and he worked with the MP's. Then he started working with the National Police. I worked closely with him a few times when I was in the Cav also.

Q. Did you know Sergeant WARREN when he had the MP detachment at Dottie?

A. Dottie, right. I knew him, but I didn't know him that close. I worked real close to him, but....

Q. You said he later worked with the National Police?

A. Right, sir.

Q. In what capacity?

A. In other words, he went out with them all the time. I guess he was the brigade's representative. Every time I went with the National Police, Sergeant WARREN was with me.

Q. Was this after Task Force Barker was disestablished, was this later on?

A. What do you mean--he was with the National Police?

Q. Yes. I mean you remembered him being there--

A. (Interposing) I recall that he went to the field during this time when I was in S5. Who he went with I don't know, but I do remember him being in the field. Because he was--I don't know if he was mad at me. He was an active talker. He talked about these things. He talked about I was in the field yesterday and all day today and such and such happened. I don't recall exactly what he said.

Q. But what I'm--

A. (Interposing) He was stationed during that time at Dottie.

Q. This isn't the time that you say he was working with the military police in the brigade?

A. No. His primary duty at that time, I believe was controlling the MP's at Dottie. But he did get to go to the field, who with I don't know.

Q. My question was did he work as a--I would suppose from your description he would be a liaison to the National Police after Task Force Barker was disestablished, or was it before Task Force Barker was deactivated?

A. I know it was after, but yet I know he went to the field before. I don't know if he went to the field with the National Police.

Q. Sergeant WARREN supposedly or allegedly made an offer to Colonel BARKER to provide Field Force National Police for an operation. Does this sound like something that he would be able to set up?

A. It sounds like him talking, yes, sir.

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Q. Do you think he could arrange this?

A. It's through the wrong channels, but I'm sure it could be done.

Q. He offered, I think, these people in some numbers for population control for an exercise that was to take place, I believe, in February.

A. I don't recall this, but the operational control I believe is under the operation--partly under the operation of the MP's also.

Q. It sort of split the responsibility there?

A. We have responsibility of it, but I think it's one of their duties. They did it.

Q. Were you aware that National Police were with Task Force Barker on any operations? Would you know this? Would you know about it in your position?

A. I didn't know. I didn't know.

Q. Don't you think you should know about it more or less as the overseers for civil affairs of the brigade?

A. I'd say I should, but that's in the text books. I should, but I didn't.

Q. Normally is it--

A. (Interposing) I know that sometimes the S5 did go--this is going to contradict what I said a little a while ago about sending National Police. It just struck me, but I do remember getting in touch with the MP's to send out National Police. That's something that just came to me.

Q. For Task Force Barker?

A. I don't remember that, but we did send out-- we did get with the MP's--

Q. (Interposing) In other words, the request came to you for National Police?

A. And then we contacted the MP's and the MI to work it out.

Q. Do you recall any arrangements ever being made by Sergeant WARREN for the National Police to support a Task Force Barker operation?

A. I don't recall.

Q. Did you ever hear anything about it? Did you ever hear anything on his recommendation?

A. I don't recall.

Q. I show you the first inclosure there which is an unsigned statement. Have you ever seen that?

(COL WILSON handed Exhibit R-1 to witness.)

A. I don't recall that, sir.

Q. You don't recall that statement?

A. No, sir.

Q. There's a propaganda document. The next inclosure which was really the answer to it was included in the report of investigation by Colonel HENDERSON. I draw your attention to the second page of this document, to the area there that is outlined in pencil.

A. I don't recall that.

Q. Have you ever seen anything that specific in a propaganda document?

A. No, sir.

Q. If you as an S5 had seen this statement in a Vietnamese propaganda document or at least a paper, would this have caused you to be concerned?

A. It's something like--if I'd seen this, I would definitely have remembered it. Whether Captain KESHEL had seen something like this, I do not remember. I do know that when we happened to pick up letters or leaflets out

in the field, and suspected that they were VC-originated, we did send them to the MI and had them interpreted. But I do not--definitely do not. And of the many things that I remember, I should definitely remember this.

Q. You would've remembered it?

A. I definitely....

Q. And this could have caused some interest on your part, is that correct?

A. Well, something like this would have been talked about--playing cards--

Q. (Interposing) Because it was different from the normal propaganda?

A. Definitely. Well, it's just so large a number I couldn't help from taking notice of this.

Q. Captain WADSWORTH, we will recess until tomorrow morning and I would like for you to be in here about 0845 in the morning. Most of the questions that I'm going to be concerned with tomorrow will be dealing to a great extent with psychological operations, although I will show you the S5 log for the period of 1 through 31 March. This may bring some things back to you.

A. You say the S5 log?

Q. That's correct, for that period.

A. Well, like I said, I really wasn't involved with PSYWAR.

Q. But you have said a couple of things here that I would like to question you a little further on.

A. I see.

Q. And until we convene tomorrow, that's all. The hearing will be recessed.

(The hearing recessed at 1917 hours, 22 January 1970.)

(The hearing reconvened at 0930 hours, 23 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, LTC NOLL, and MAJ THOMAS.

(The witness was reminded he remained under oath, and testified as follows:)

COL WILSON: I have provided you with some documentation of previous operations conducted in this area. In looking back over the material, have you fixed the time that you were in there with the psychological warfare team?

A. It was definitely after these.

Q. It was after February then, is that correct?

A. Yes, sir. It was after these operations.

Q. These operations were conducted in February. The next large-scale operation that was down there to the best of my knowledge was on 16 March, which sounds to me like you're talking about a period after 16 March.

A. It was after these I know.

Q. You don't remember these operations at all, the February operations?

A. I remember the incident taking place. I remember the actions from the commander's briefing. I did also recall last night that there was one other officer that came down, I believe, from the 198th. He was temporarily placed as S5 into Task Force Barker, but Captain GOUZOULES still was overseeing the operation. I recall he didn't stay there very long. Now whether he DEROS'd or moved out, I don't recall.

Q. Captain, I have looked over the S5, 11th

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Brigade log for the month of March. I don't find anywhere in those that solatium payments were made to any of the units in Task Force Barker. Does it follow that Captain GOUZOULES didn't make solatium payments for any complaint in the Task Force Barker area?

A. If there was any made, the money went through him or this other lieutenant.

Q. So, if we wanted to find out what payments were made to the Task Force Barker element during the period they were operating in the Muscantine area, we would have to go to the 4/3, is that correct?

A. Yes, sir. Captain GOUZOULES should know this other lieutenant's name, because he worked with him a little while. As I said, this lieutenant didn't stay there very long.

Q. Yes, but for a record of this--I'm not looking for the individual, I am really looking for the record of payments, the S5 log, the S5 of the 4/3?

A. We should have a record of it in the brigade S5. We should have a record of it.

Q. Well, as far as I can determine from the log, every time a solatium payment was made it was entered into the log?

A. It should've been entered with the coordinates, the person's name, and the circumstances.

Q. There are no entries in here for Task Force Barker for the whole month although there are many solatium payments in here. This leads me to believe that the payments were not made or recorded at the 11th Brigade headquarters?

A. They should've been.

Q. But if you gave large sums of money to Captain GOUZOULES to pay solatium payments, why should the brigade maintain a record of the individuals paid?

A. This was to sent to G5. We were supposed to make all the entries on the solatium payments, the coordinates and the person's name. That was supposed to be put in a daily log, and it was also supposed to be sent to G5.

Q. On the 10th of March, the log carried an entry which indicated that a modified county fair was held in the vicinity of coordinates BS 807387?

A. That should've been outside the Bronco base.

Q. It says that search and clear operations were conducted west and adjacent to the county fair area.

A. The only county fair that I can remember was that first practice run I told you about yesterday, and it was right outside of the Duc Pho base camp.

Q. Well now, this doesn't sound like a practice one. I'll go on: 900 bars of soap, 2,000 bars of candy, 250 packages of tobacco, 100 tubes of toothpaste, and so forth. Does that sound like a practice?

A. It was all done right along with the MEDCAP.

Q. Does that sound like a practice?

A. Well, it was close to being as realistic as possible.

Q. The RDC's participated in an effort to get the people to actively support the GVN efforts?

A. I'd check the coordinates on that.

Q. It states the modified county fair was held in the vicinity of BS 807387.

A. No, sir. That's further south. In other words, we had the Muscantine AO and there was a gap, and then the Duc Pho AO.

Q. It is further south?

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A. Yes, sir.

Q. Does this mean that--

A. (Interposing) The only one I recall is the one that we held outside the compound.

Q. Down south?

A. Yes, sir.

Q. So this is not in this area. This is probably the one you referred to?

A. Yes, sir.

Q. That date would have been the 10th of March?

A. Yes, sir.

Q. Does that fix anything in your mind?

(Witness gave a negative response.)

Q. And you still can't recollect when General LIPSCOMB made this statement about getting the weapons and the VC KIA at the same time?

(Witness gave a negative response.)

Q. Now there's one other question I want to try to clear up. According to the information we have and the documentation that I showed you yesterday, the psychological operations which you went on at some period which you can't recall in the Pinkville complex was not recorded at division level. The question in the back of my mind is how many psychological operations that went on down there were not recorded in the division records?

A. Sir, I couldn't tell you. I wasn't involved in the paper work, I mean as far as recording. I had a-- Captain KESHEL handed me a sheet of paper, and he made assignments on that for me to do. When I completed those, I had another.

Q. The second thing is that I'm sure you must've looked at the S5 journal occasionally. There is no entry in the S5 journal that I can find that indicates the psychological operations. Would that be in the S5 journal?

(MR WALSH enters the hearing.)

A. Division should have it. It should have been given to them.

Q. Now, let me review this.

A. I do recall Captain KESHEL talking to division. He told them on the phone where they had leaflets dropped, and at the same time they ordered new leaflets dropped and new loudspeaker broadcasts. They were telling them where our PSYWAR teams broadcasted that day, and whether they rode up and down Highway 1 broadcasting from a jeep or whether they went to a certain place in a helicopter broadcast. This was done every day.

Q. Would he call this in to the G5?

A. I believe so, sir.

Q. I think that's probably--

A. (Interposing) In Chu Lai there was a G5 office, and if you go a little ways there was a PSYWAR office. There was a major, I can't remember what his name was. He was English, spoke with an English accent, and this is where he called his PSYWAR leaflet drop and reported the psychological warfare operations to them. I can't remember what his name was.

Q. He reported it to the psychological unit instead of the G5?

A. Yes, sir.

Q. Now, let me see if I can clarify it in my mind a little bit. Do you recall either a standard broadcast or a leaflet which advised people to leave an area? If so, do you have a number of the leaflets or a number of the broadcast?

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A. No, I don't. I do recall it was done, that this type was broadcast and dropped.

Q. Do you recall that this was done in the areas of the 11th Brigade, both the southern and northern sections?

A. I know it was in the brigade area, but sector, I don't know.

Q. But you do recall that such a thing existed?

A. Yes, sir.

Q. Do you recall the title of it?

A. No, sir.

Q. Captain WADSWORTH, you are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance of official duties or as you may be required to do so before a competent judicial, legislative, or administrative body.

In addition, you are cautioned that, if you are subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, your appearance here in no way changes the applicability of that order. Do you have any questions?

A. No, sir.

Q. Did you use a camera often?

A. I didn't, sir, but Captain KESHEL did and Sergeant PHETTEPLACE did.

Q. Put Sergeant PHETTEPLACE down as a witness, because we didn't get him yesterday.

(RCDR did as requested.)

Thanks very much, Captain WADSWORTH, that terminates the hearing.

The hearing will be recessed.

(The hearing recessed at 0945 hours, 23 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: WALKER, Bernard L. MSG

DATE OF TESTIMONY: 4 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Brigade Personnel Staff NCO, S1 Section, 11th Infantry Brigade, October 1968 - October 1969.

1. KNOWLEDGE OF A SEARCH OF THE FILES FOR A REPORT.

Master Sergeant WALKER recalled a request from the IG in the spring of 1969 for a report or investigation. WALKER recalled referring the request to the S2 section where most of the classified documents were maintained (pg. 3). He did not recall from whom the request came, or the subject matter of the search (pgs. 4, 5, 11, 13). He did not recall Lieutenant Colonel CROWE or Major HAYDEN, the S1, ever discussing the matter with him (pg. 5). He did recall a conversation with his roommate and S2 Sergeant, Master Sergeant CAMELL, regarding the retirement of classified documents. However, these documents were not retired (pg. 7). The witness knew of no files that were destroyed while he was assigned to the brigade (pg. 9). WALKER did not recall the subject matter of a conversation with CAMELL regarding a file left in his desk by Master Sergeant GERBERDING, CAMELL's predecessor (pg. 10). He never saw or heard CAMELL mention a letter from Major General KOSTER to Colonel HENDERSON (pg. 10). WALKER also did not recall CAMELL telling him of a district chief's letter to the province chief alleging U.S. forces had killed many civilians, or an investigation conducted by the 11th Brigade in the spring of 1968 (pg. 11). He recalled that Specialist BOGART was in charge of the S1 files in the spring of 1969 and that BOGART searched for a document requested by the USARV IG. He did not recall the results of the search (pgs. 13, 14).

(WALKER)

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## 2. PREPARATION OF EXHIBIT R-1.

Initially, WALKER explained that if Exhibit R-1 was prepared by the S1 section in April 1969, he would have had no knowledge of it since he was on leave. He did not recall his office preparing Exhibit R-1, seeing it personally, or seeing the attachments (pgs. 6, 7). The witness had no recollection of a true copy of any document being prepared in response to a request made by Colonel HENDERSON, or of CAMELL preparing a true copy from any documents, particularly Exhibit R-5. CAMELL may have asked him how to prepare a true copy. Otherwise, the witness did not recall anything else (pgs. 14-16).

## 3. OTHER INFORMATION.

a. WALKER did not know the exact date that CAMELL assumed the duties of S2 sergeant from GERBERDING (pg. 19).

b. He had talked with Sergeants WHITE and MALPICA from the 11th Infantry Brigade about the My Lai incident. Each had been assigned to the brigade. Neither had any knowledge of an incident and expressed disbelief (pg. 20).

(WALKER)

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(The hearing reconvened at 1455 hours, 4 February 1970.)

MR MACCRATE: The hearing will come to order.

RCDR: The following named persons are present: MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

The first witness is Master Sergeant Bernard L. WALKER.

(MSG WALKER was called as a witness, was sworn, and testified as follows:)

Sergeant WALKER, for the record will you please state your full name, grade, Social Security number, organization, and station?

A. Bernard L. WALKER, Master Sergeant, Headquarters, United States Army, Japan.

COL ARMSTRONG: Sergeant, have you read the instructions (Exhibit M-57)?

A. Yes, I have.

Q. Do you have any questions about them?

A. No, sir.

Q. Do you understand them?

A. Yes, sir.

A. Yes, sir.

Q. On my left is Mr. MACCRATE. He is a civilian attorney who has graciously offered his services to the Secretary of the Army to assist in the conduct of this investigation. He also provides legal counsel and advice to General PEERS. You should know that there are several other groups like this taking testimony. However, this testimony will be evaluated by General PEERS alone, and he will come up with the conclusions and all the recommendations. Do you understand?

A. Yes, sir.

Q. Either Mr. MACCRATE or myself may ask you questions. I'll start this off by asking you to outline your service, with dates and positions which you served, in the Americal Division in Vietnam.



A. Sergeant TALBOT was the best typist, and it would have been him or Specialist SMITH.

Q. Do you recall Specialist SMITH's first name?

A. No, sir. I don't.

Q. Do you know where he is today?

A. Can I look in my notebook, sir?

Q. We would appreciate it, if you would.

(The witness studies his notebook.)

A. Larry J. SMITH, and he is in Flint, Michigan. That was his home when I left the unit in October.

Q. Is he a civilian now?

A. Yes, sir.

Q. And what is Sergeant TALBOT's first name?

A. His first name was Irving. He went by the name of Duke.

Q. Do you know where he is today?

A. His home is Elkins, Virginia. Whether he is there or not I don't know.

Q. Has he also left the service?

A. Yes, sir. He has.

Q. Sergeant WALKER, do you recall in April or May 1969 a request coming into the brigade from the IG at division for either the preparing or the locating of a copy of a report or investigation related to something that had taken place during 1968?

A. I recall them looking for a document. It was a classified document if my memory serves me right, and when they came to the S1 shop, I referred them to the S2 since we kept no classified material except confidential in the S1 shop. The only confidential we kept in the S1 shop was manuscripts.

Q. We are interested in tracing back this request to locate a document and just what was done at that time. In a few minutes I'll show you what had been found. We're trying to put together all of this picture, and, consequently, we would like to go back to the first request that came to you. From whom did it come?

A. Sir, I don't recall.

Q. Do you recall if it came from Major HAYDEN or did it come from one of the other sections of the brigade? Do you have any recollection as to who came in and asked you about this?

A. No, I don't recall. The only thing I can recall on this matter is they was fishing. And as I have been there a while, they came to me to see if I could help them out.

Q. Did they indicate what they were fishing for?

A. No, sir. They did not.

Q. How did they describe to you what they wanted?

A. I don't recall, sir.

Q. Well, you have a recollection of being asked for a piece of paper and I'm sure they didn't come in and say "Have you got any paper?"

A. No. They was looking for a classified document.

Q. Well, you didn't turn them off at that point did you?

A. No, well, digging back now--

Q. (Interposing) Stop for a minute and just think about it, because I know this is hard to go back a year and think what people said in what would have been fairly casual circumstance of looking for a piece of paper. Now just think, if you will at this time, as to what they indicated, what they were looking for?

A. I don't recall. If my memory serves me right, while I was trying to figure out what they was looking for, I came to find out that it was a classified document.

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Q. Did they use any term to describe an event or a circumstance that did give you a clue as to what they were after?

A. I don't believe so, sir.

Q. Well, I don't understand how you can request something without describing what it is you want, at least in very general terms. I would assume that there was something that came to you by way of an indication of what they thought might be either with you or somewhere else in the brigade.

A. Well, anytime I had a request for anything that dealt with a classified matter, I would send them to the S2 shop. I would not pursue it.

Q. But before you got to the point of it being a classified matter, they just came in and said "Do you have...." They must have been asking you for something before you found out that it was a classified document?

A. I see what you're driving at, sir, but I don't recall. I really don't.

Q. You don't remember Colonel CROWE or Major HAYDEN talking to you about this?

A. No, sir. I don't.

Q. Do you remember Major COX or Sergeant CAMELL talking to you about it?

A. No, sir.

Q. I would like to have you look at Exhibit R-1 which is a true copy of a report of an investigation dated 24 April 1968.

(MR MACCRATE hands Exhibit R-1 to the witness who examined the document.)

You'll note the true copy is certified by Major COX. Do you have any recollection with respect to the preparation of those two pieces of paper?

A. No, sir I do not.

Q. It is our information that this copy was, in fact, typed in the S1 shop of the brigade?

A. Question: When did they say this was prepared in the S1 shop?

Q. I would be in the period of April or May 1969?

A. Well, during the period of April, I was on leave in the States. I was on a 30-day special leave in the States.

Q. When did you leave?

A. In the early part of May.

Q. If you were back before the 12th of May, this would have been prepared while you were in the office, because our information is now that it was subsequent to the 12th of May.

A. No, sir. I don't recall it. I don't recall ever seeing it.

Q. I would like you to read through the document. I have a few more questions for you. Do you have any recollection of seeing that before (indicating Exhibit R-1)?

A. No, sir. I don't.

Q. Now, I would like you to turn to the third page and you'll note the third page is headed "Statement," 14 April 1969. I would like you to read that page and indicate whether that was typed in your office or whether you have any recollection as to the preparation of that sheet?

A. I have no recollection of this either, sir.

Q. Now, would you look at the next two sheets, and I ask you to read those. It's a piece of VC propaganda. Do you have any recollection of seeing that before or any knowledge as to the preparation of that sheet?

A. Sir, I don't ever recall seeing this either.

Q. Do you have any recollection as to the preparation of any such document in your office?

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A. No, sir. I don't. I'm sure that this would have been prepared in my office in my presence. Some of the points that are in here I would have recalled, but I don't recall anything that is in here.

Q. With whom did you live at Duc Pho during this period?

A. There was Master Sergeant CAMELL. Sergeant First Class COLTON, who was assigned to the 90th Chemical Detachment, and I believe there was Sergeant HICKS, E-7 HICKS.

Q. Do you remember a conversation with Sergeant CAMELL about some documents that had been turned over to him by Sergeant GERBERDING when he left that were given to him on a closehold basis and that related to the period prior to the time you arrived in Duc Pho?

A. I know that I did talk to CAMELL about some documents he had that were classified in his cabinet, about retiring them. We didn't have the proper forms to retire them, and just like we were doing at the SI shop with our unclassified documents for retirement, we were holding them until such time as we got the forms. What the documents were I don't recall.

Q. Do you remember when you had this discussion with him?

A. It very well could have been within this time frame because we had an IG inspection, an USARV IG inspection, during the summertime, I believe.

Q. About June of 1969, June or July of 1969?

A. Somewhere in this area, sir.

Q. Was this in advance of the inspection or after the inspection?

A. No, sir. It was in advance of the inspection.

Q. And what did you decide that you were going to do with these documents with the USARV inspection coming up?

A. There wasn't a thing we could do. We had ordered the forms to retire them. Until such time as we got the forms in, there was nothing we could do to retire them properly.

Q. Were the documents segregated in some way so that when you got the forms they would have been able to take an appropriate action?

A. I believe they were, sir.

Q. And were they pointed out to the USARV IG at the time of such inspection?

A. No, sir. They were not. This is one item that I was amazed that they didn't touch upon, retirement of the previous year's files.

Q. And what subsequently was done with those files?

A. Well, just prior to my departure we finally got in the forms. Now whether they retired their files or not I don't recall.

Q. Now, this is just prior to October 1969?

A. Yes, sir.

Q. And you in the S1 shop obtained the forms and then distributed them to other sections of the brigade?

A. Well, at the time Sergeant NAGAMA, who came into the S1 shop, was working with the files and with record management.

Q. How do you spell NAGAMA?

A. I think it's N-A-G-A-M-A. Sergeant First Class.

COL ARMSTRONG: He would still be there?

A. Yes, sir.

MR MACCRATE: Do you recall when Sergeant NAGAMA arrived at brigade?

A. Yes, sir. He came in while I was on leave in the States during the month of April.

Q. So far as the S1 shop was concerned, what did you do at that time with these old files that had been put aside?

A. I don't know, sir. As I say it was in this portion that I looked to Sergeant NAGAMA to take care of.

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Q. Were any of the files disposed of prior to your separation from the brigade?

A. To my knowledge, none of the files that had to be retired were disposed of. I had files that you can destroy at the end of a year or even a 3-month period or a 6-month period. I did try to keep these weeded out, but as far as getting rid of anything that we should have kept, none that we should have kept that I know of was ever destroyed.

Q. And when you retired documents, what was the proper procedure for retirement?

A. When you retire documents, you have to prepare a Standard Form 35, and this was the form that we were without.

Q. And when you prepared the Form 35, what information did you provide on the form?

A. I believe all you have to put on it is the file number, the subject of the file, and the approximate thickness of the file.

Q. And the label of the file and the designation of the file?

A. Yes, sir, the designation of the file. Right.

Q. And then what did you do with the material that you so inventoried?

A. It's supposed to be forwarded to division headquarters.

Q. Do you know the ultimate destination of them?

A. No, sir. I don't.

Q. This is the file retirement and retention that you are speaking about?

A. Right, sir.

Q. These are the papers that you inventoried and forwarded from your file?

A. Right, sir.

Q. With respect to the documents that are weeded out and disposed of, is there any record made of such weeding out and disposition?

A. No, sir.

Q. Now, in addition to your conversation with Sergeant CAMELL about some documents he wanted disposed of in which he did not have a Form 35, do you recall a conversation with him by about perhaps some other thick papers that had been left with him which he found in his desk drawer when he replaced Sergeant GERGERDING?

A. I recall him mentioning papers that he found in his desk, but I don't recall what the subject matter of them were.

Q. I want you to think hard about this, what he told you about those papers.

A. I can't recall, sir.

Q. What do you remember about a letter from General KOSTER to the Commanding Officer, 11th Brigade?

A. General who, sir?

Q. General KOSTER, former Commanding General, Americal Division, to Colonel HENDERSON, Commanding Officer, 11th Brigade?

A. I don't think I ever saw a letter of this nature, sir.

Q. Do you remember Sergeant CAMELL telling you about that letter?

A. No, sir. I don't. That name doesn't ring a bell.

Q. Did you know who preceded General GETTYS as Commanding General, Americal Division?

A. No, sir.

Q. You as a member of the Americal Division for over a year were never aware that the commanding general just a few months before you arrived was General KOSTER who had gone from the Americal Division to become superintendant of the United States Military Academy?

A. No, sir.

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Q. You never heard of that?

A. No, sir. I didn't.

Q. Do you recall Sergeant CAMELL telling you about a complaint or a report of a district chief of the Son Tinh District to the province chief of Quang Ngai Province describing an incident where many civilians had been killed by American forces?

A. No, sir.

Q. No recollection of Sergeant CAMELL telling you about that report?

A. No, sir.

Q. Do you have any recollection of Sergeant CAMELL telling you about an investigation having been conducted within the 11th Brigade, by the commanding officer of the 11th Brigade, in the spring of 1968?

A. No, sir.

Q. No recollection of any such conversation with this man who lived with you and seems to recall talking with you about these things? We have already talked to Sergeant CAMELL, and it is curious the difference we're finding in his recollection and yours, Sergeant WALKER?

A. Well, when this broke in the papers, sir, this is the first I ever heard about it. If there had ever been a conversation between Sergeant CAMELL and I about this, anything of this serious nature, even though it was not in my area, I'm sure I would have remembered something about it.

Q. Well, the conversation that came to you may have had no relation as it then appeared to anything that you read in the newspaper recently. Do you have any recollection of such discussion in relation to USARV and requests that had been received either from USARV IG or from the IG of the Americal Division for papers that they were interested in locating and examining?

A. I remember the request was from the IG now, that you asked me about originally. What you asked me about originally but as far as subject matter, what the content of it was, I do not recall, sir.

Q. Can you place in time when you received this request from USARV IG?

A. It would have to be sometime in the time frame of May through September.

Q. Do you have any way of fixing it in that time frame of May to September?

A. Well, the reason I say this, I was on leave to the States in May, and in early October, I went to Japan and I felt that it was during this period of time.

Q. Why do you feel that it was during that period of time rather than at an earlier time?

A. I don't know why I feel like this, sir. Prior to this, prior to me going on leave in April, it was strictly a training period of personnel through my section. I had clerks that were not trained, and I was the only individual in there that had any experience of working and training these people, and I don't think this came up during this period of time.

Q. Well, you had been there for 6 months. By the time you left on R&R, this just wasn't your initial shakedown in the office. You had been there some time?

A. Yes, sir.

Q. How do you so clearly differentiate between the period prior to R&R and the period after R&R. I'm sure you relate it to something. I'm trying to find out what appears in your recollection that you relate it to.

A. Well, I relate it like this. It was during the early part of my tour of duty there. I got in all new clerks. The whole office changed over. I got in new clerks, and I had to train these people to do the job the major and I desired, and it was a fulltime job getting these people trained.

Q. Well, if you got a request from USARV IG for a report of investigation without any indication that the report was classified, would you not in the first instance explore your files to see if such a report was to be found in your files?

A. The first time, yes, I would, but then after the reports of investigations--I found out that the majority of them were classified, and this is one thing I went checking on before we started digging in our files to find out if it was a classified matter.

Q. Do I now understand that the initial request you received was for a report of investigation?

A. I'm not sure how it came in. I just know that people was looking for documents that the IG was requesting.

Q. Sergeant WALKER, I find it hard to understand how you can recall that you were asked to look for some documents, but you can't recall anything about the description of what you were asked to look for. You can't give us an identification at this time of what it was you were asked for?

A. No, sir. I can't.

Q. Well, was Major HAYDEN the kind of man who looked through the files himself and would not want to bother you with it? Was he the one that went to the files and looked for it?

A. He could have went to the one of the clerks.

Q. Was he in the habit of bypassing you and going to the clerks in the office rather than asking you for things that he wanted?

A. It happened if I wasn't in the office and something was needed. The majority of times he would go through me.

Q. Was the clerk in charge of the files in your shop?

A. For a while it was a Specialist MAZZIE, and there was a Specialist BOGART.

Q. Who would have been in charge of the files in the spring of 1969?

A. I believe it would have been BOGART.

Q. Do you have any recollection of Specialist BOGART being involved in looking for a document requested by USARV IG?

A. Yes, sir.

Q. You do?

A. Right.

Q. And did you ask him to look for the document or did someone else make that request?

A. I don't recall, sir.

Q. Do you recall what he reported from his files search?

A. I don't recall how his search came out, sir.

Q. You, as the NCO in charge of the office, with a search going on, at the request of the USARV IG, you don't know how the search came out? I find that rather remarkable.

A. I don't recall, sir.

Q. Didn't you take seriously a request from USARV?

A. Yes, sir.

Q. And didn't you make it your business to find out what the men in your shop did so you could make a report that would assure those that had requested it that the search had been properly carried out? Didn't you make that kind of thing a part of your daily work?

A. As a supervisor, yes, sir. I'd have to. But these minute details--when you go looking for a piece of paper and a man doesn't find it, you go and check with him and to see if he has explored all the files it could possibly be in.

Q. But you did satisfy yourself that he had looked in every appropriate place in your office that he might look before a report went back to USARV IG?

A. Yes, sir.

Q. So you do know the results of the investigation?

A. No, sir. I don't. I don't recall whether he found this or not. I recall that he did go and check the files.

Q. I would like to show you Exhibit R-5, Sergeant WALKER, and ask you to examine each portion of that exhibit, the first two pages, the third sheet, and the last two pages.

(MR MACCRATE handed exhibit to witness who examines same.)

Do you ever recall seeing those papers before?

A. No, sir. I do not.

Q. Do you ever recall being requested to have copies made of any papers that looked like those?

A. No, sir.

Q. If you'll look on the second page, you'll see that over on the left-hand side down towards the bottom there is some red pencil that has been erased. If you look closely, you can see it says true copy. That has been identified to us as the handwriting of Sergeant CAMELL. Do you have any recollection of hearing about the preparation of a true copy of the document that had been requested either by the division IG or by USARV IG?

A. I remember a few incidents where people asked for documents, but as far as what they were, sir, I don't recall.

Q. Do you have any recollection of a true copy of a document being prepared in response to a request from Colonel HENDERSON, former Commanding Officer, 11th Brigade?

A. No, sir.

Q. You have no recollection of hearing that Colonel HENDERSON wanted a copy of a document from the brigade files?

A. No, sir.

Q. And you were asked to look for it. Not finding it there, it was finally located in the S2 files, and a copy was prepared in the S2 shop, or under the supervision of the S2 shop and perhaps with somebody from the S1 shop lending a hand. Do you have any recollection of anything like that? Does that ring a bell?

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A. No, sir. I don't recall anything that we did after I got there in response to a request from Colonel HENDERSON.

Q. You have no recollection of Sergeant CAMELL telling you about any such thing?

A. No, sir. I do not.

Q. Do you have any recollection of Sergeant CAMELL talking about the preparation of a true copy of any documents such as that which you see in Exhibit R-5?

A. I think at one time we had a discussion on how to make a true copy properly.

Q. But I'm talking about the document content of Exhibit R-5?

A. No, sir, not as far as the content of this document or any document that I recall that we ever discussed.

COL ARMSTRONG: Let's take you back from leave now. You're in your hootch. You've been back maybe a week or so. You're in your hootch. CAMELL comes in, and he says "WALKER, God damn, why don't you prepare those things?" And you say: "Hell, no; I don't have any typists. All my typist are tied up constantly, and what are you talking about?" And CAMELL says, "Your boss came to see me, and I had to prepare a true copy of a report of investigation to the commanding general to forward up to division. Does this ring a bell? This type of conversation?"

A. This type of conversation, Sergeant CAMELL and I--

Q. (Interposing) You were this close to each other?

A. We were very close together. He would come in and raise hell with me about something like this. I would shoot him down with some quick answer and forget about it. I mean as far--

Q. (Interposing) It wouldn't be serious necessarily to him or to you? This would be the normal kidding between two senior sergeants?

A. That's right, sir.

Q. And you don't recall anything like this particularly?

A. No, sir. I don't.

Q. Would it be unusual for the S1 to come in and walk up to one of your typists or one of the typists in the office and say "Here, reproduce this for me, and hand in a final copy" without even bothering you?

A. Yes, sir. This happened on many occasions?

Q. "And bring it to my office?"

A. Yes, sir.

Q. And "I don't want anybody to see this?"

A. Yes, sir.

MR MACCRATE: Did he kick Sergeant CAMELL out when he came in to use your people like that?

A. If Sergeant CAMELL came into the shop, he would either come through myself or the adjutant. If he came into the other people you can bet your bottom dollar that CAMELL and I would have went round and round.

Q. I thought that that was what Colonel ARMSTRONG had in mind.

COL ARMSTRONG: I meant the major, the S1.

A. And also I had Sergeant TALBOT there who was--I was authorized an E-6 admin supervisor, and I gave him a lot of responsibility to take over items of this nature, minor--well, when I say minor I mean minor actions. Routine type items to relieve the workload from me so I could go and get back into the field of personnel and help other units out.

MR MACCRATE: Sergeant WALKER, in the spring of 1969 if there were documents being handled on a close-hold basis, copies to be typed, who were the clerks in the brigade that were assigned such sensitive tasks? Usually in any unit you have a couple of star performers, men that have the confidence of those of you who are running that operation. Perhaps something you want to have done, you turn to them. Did you have in brigade at this time a couple of clerks in one shop or another who have this kind of reputation?

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A. Well, in the S1 shop I had, as I said before, Sergeant TALBOT and Specialist SMITH who were two outstanding individuals.

Q. In the S2 shop were there some people with the same know-how?

A. In the S2 shop I'm not sure who Sergeant CAMELL had as his typists.

Q. Do you remember Specialist KRIEG?

A. Yes, sir. I was talking to him today.

Q. He was a man to turn to. Do you know of anyone else in the shop that was an expert typist?

A. No, I don't. The S3 shop.

Q. Who in the S3 shop?

A. At the time they had a Sergeant STEPHENS over there. Staff Sergeant STEPHENS.

Q. Do you remember his first name?

A. No, sir, I don't. He had a Spec 5 LAY.

Q. How do you spell that?

A. L-A-Y.

Q. Do you happen to know his first name?

A. No, sir. I don't.

Q. And both Staff Sergeant STEPHENS and Specialist Five LAY were the kind of men that you pressed to do a special job?

A. They worked there in the admin section of the S3 shop, and I know both of them were good on a typewriter.

COL ARMSTRONG: How good are you on a typewriter?

A. Well, when I was coming up, the first 7 or 8 years in my career I was damn good, Colonel, but since then I get people to do my work for me.

Q. Is it common for you to sit down and knock out a special piece on a typewriter, particularly if your clerks were busy?

A. If my clerks were real busy and I'm not, I would sit down and do it, but if I have a clerk that's sitting there reading a book, he's not going to catch me working.

Q. Would CAMELL be inclined to do this?

A. CAMELL is just about like I am, sir. I think he would go and utilize his clerks in the maximum extent before he would sit down.

Q. Do you think he had the capabilities to sit down and put out a finished copy?

A. This I don't know. Whether it would be a product that he would be proud enough to let go.

MR MACCRATE: How about Sergeant GERBERDING?

A. Now, Sergeant GERBERDING left shortly after I got into brigade.

Q. But he was a man who could do his own typing?

A. I don't know, sir. I didn't know this much about him.

Q. Do you recall Sergeant GERBERDING having to make up time that he had taken?

A. Yes, sir. There was several of us that took special leave and had to make up this period of time that we spent out of country.

Q. Can you give us the dates when Sergeant GERBERDING had thought he was going to leave and when he finally left? Can you give us the time frame? We have been trying to establish the time that he was there.

A. I think he was extended from around the middle of November to about the middle of December.

Q. And he finally left around the middle of December?

A. I believe so, sir.

Q. And when did Sergeant CAMELL actually relieve Sergeant GERBERDING?

A. This I don't know. I got there around the 24 or 25 October, and CAMELL came into brigade shortly after I did. When he finally sat down and assumed duties as the S2 sergeant, I don't recall, sir.

Q. Do you recall if while GERBERDING was still there, CAMELL pretty much had the responsibility or did GERBERDING hold on to them for his full tour?

A. CAMELL, I believe, took over the responsibilities of the office.

Q. And GERBERDING just said if he had to stay he was going to stay on a more limited basis so to speak?

A. Well, I don't know what he said, sir, but I know the majority of them that had to stay had their replacements in and felt this way about it.

Q. It was the replacement's task from that point on?

A. Yes, sir.

COL ARMSTRONG: Kind of stand back, and aid, and support when needed?

A. This was the way it was, it looked to me, in other shops, except in the S1 shop. The man I replaced one morning I told him: "You're done. Get out of here." I felt as long as he was there, I wasn't going to learn anything with him sitting over in the room at the other end of the telephone. If something came up I couldn't handle, I could get ahold of him.

MR MACCRATE: Sergeant WALKER, since the so-called My Lai incident has been in the press, have you talked with any members of the 11th Brigade or the Americal Division regarding it?

A. The only two people that I have talked to that were in the brigade either before or after was the Sergeant WHITE who was stationed at headquarters, Japan, and a First Sergeant MALPICA.

Q. How do you spell that?

A. M-A-L-P-I-C-A. Both of these two when they were in the 11th Brigade were assigned to 3d Battalion, 1st Infantry, and Sergeant MALPICA is at Fort Ord, I believe. WHITE is at headquarters, Japan, but these are the only two people that were in the brigade that I have seen and said anything about the My Lai incident to.

Q. What did Sergeant WHITE have to say about it?

A. He just couldn't believe it, and he was there.

Q. Was he with B/4/3?

A. No, sir. He went over as Battalion PSNCO and then he took over later on as first sergeant of Headquarters Company, and I believe after that first sergeant of Echo Company.

Q. Did he hear anything about any unusual circumstances in connection with Task Force Barker on which you commented on?

A. No, sir.

Q. How about First Sergeant MALPICA? What did he have to say about it?

A. He had never heard of the My Lai incident. He said now they are still fighting like hell in that area. I talked to him about this in December. This was when he rotated out of Vietnam back to the States.

Q. Did he indicate that he had been in that area any time in that past?

A. He indicated that his company had worked in that area.

Q. And he had been in A/3/1?

A. Yes, sir.

Q. Do you know what period he served with A/3/1?

A. I would say from November of 1968 through December 1969.

Q. He only joined Alpha Company at the end of 1968?

A. Yes, sir.

COL ARMSTRONG: Did he express this disbelief, too? You stated that WHITE couldn't believe it.

A. That's right.

Q. But you didn't say MALPICA couldn't believe it. He just said it was real rough up there.

A. That's right. Sergeant MALPICA didn't state either way whether there could have been a My Lai incident or not. He just said it's still rough up in that area.

Q. That's MALPICA?

A. M-A-L-P-I-C-A.

MR MACCRATE: Did he indicate that he had talked to any members of the company who were with it in the spring of 1968 who had described some of things they had encountered during that time?

A. No, sir.

Q. With this reference to it still being rough, did you relate that to what he had heard as having gone in the past?

A. No, sir. I mentioned it to him when he came back to Japan to pick up his family and he said, "Well, it's still rough in that area," and the subject was dropped.

Q. Well, Sergeant WALKER, we appreciate your coming in. It's been a long trip we know. As you can see we are leaving no stone unturned in trying to put this together. You can observe by the papers around this room--this is just a small fraction of them--we have put a great deal of it together. There

are little bits and pieces here and there that we are still trying to shore up. If anything we have said to you today in talking about this thing and trying to pin down just what papers were found in what place brings back to your recollection anything that can be helpful to us in finding just how these things were scheduled, we would appreciate it if you would bring that to our attention. Now, if you have any questions, any statement that you would like to make for the record at this time, we would be happy to have them.

A. No, sir. I have no statements or further comments to make.

COL ARMSTRONG: Sergeant WALKER, as a military man you are directed not to discuss any of this testimony which was said in this hearing with anyone that you come in contact with, unless of course it is an official sort of body like some administrative body, or other investigative committee, or a legislative committee such as the investigating committee of the House Armed Services Committee. Any of those kind of bodies, of course, have a right to have you talk. We don't want you to discuss it with anybody else.

A. Right, sir.

Q. We appreciate again your coming here. I would like to reiterate to you if you get a flashback or something like this, don't hesitate to call us. Stop off at the first phone, put it on AUTOVON, and get the word in.

A. Okay, sir.

Q. It can come. We have noticed this has happened to some people in the past.

A. Right, sir.

Q. We know also it's been a long time that has gone by, of course, with the day's operation it is difficult at times to recall the details. Sometimes it comes. We wish they you would sort of concentrate on it while flying back to Japan.

A. Right, sir.

MR MACCRATE: We'll recess at this time.

(The hearing recessed at 1605 hours, 4 February 1970.)

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